CR-3303-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CR-3303-2025 (O&M)

PARMOD KUMAR AND OTHERS

. . . . Petitioners

Vs.

Balwinder Singh and others

. . . . Respondents

****

Reserved on: 07.05.2026
Pronounced on: 08.05.2026
Pronounced Fully/Operative Part: Fully

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. K.S. Billing, Advocate, for
Mr. Navdeep S. Khokhar, Advocate, for the petitioners.

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DEEPAK GUPTA, J.

The present civil revision petition has been filed by the defendants-petitioners challenging the order dated 04.02.2025 *(Annexure P-4)* passed by the learned Civil Judge (Junior Division), Sri Anandpur Sahib, whereby the application filed under Order VII Rule 11 read with Section 151 CPC for rejection of the plaint was dismissed.

2. Learned counsel for the petitioners contends that the suit instituted by the plaintiff-respondent seeking rectification of sale deed dated 11.03.1991, declaration, possession and permanent injunction is hopelessly barred by limitation. It is argued that mutation No.2509 had been sanctioned long ago with the consent of the predecessor-in-interest of the plaintiff and no objection was ever raised for decades. It is further submitted that earlier litigation between the parties had already attained finality and, therefore, no surviving cause of action existed in favour of the plaintiff. On the strength of these submissions, it is contended that the plaint deserved rejection under Order VII Rule 11 CPC.

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3. I have heard learned counsel for the petitioners and perused the impugned order as well as the record produced before this Court.

4. After considering the submissions, this Court does not find any illegality or jurisdictional error in the impugned order warranting interference in exercise of revisional jurisdiction.

5. The settled legal position governing an application under Order VII Rule 11 CPC is that only the averments made in the plaint are required to be considered and the defence raised by the defendants cannot be looked into at that stage. The Court is required to assume the averments contained in the plaint to be correct for the limited purpose of determining whether the plaint discloses a cause of action or whether the suit is barred by any law apparent from the plaint itself.

6. A reading of the plaint shows that the plaintiff has specifically pleaded that fraud and mistake came to his knowledge subsequently and that the entries reflected in the mutation and sale deed require rectification. The plaint further contains specific pleadings regarding cause of action in paragraphs 8 to 11 thereof. Whether such assertions are ultimately proved or not is essentially a matter of evidence and adjudication on merits. At this stage, the Court cannot embark upon a detailed examination of disputed questions of fact.

7. The plea of limitation raised by the petitioners also cannot be conclusively adjudicated merely on the basis of the plaint in the present case. The question as to when the alleged fraud or discrepancy came to the knowledge of the plaintiff and whether the suit is within limitation are mixed questions of law and fact requiring evidence. Unless the suit is ex facie barred from a plain reading of the plaint itself, rejection under Order VII Rule 11(d) CPC is impermissible.

8. The learned trial Court has rightly observed that the pleas raised by the defendants are subject matter of evidence and that the plaint discloses a cause of action. The reasoning recorded by the trial Court is consistent with the settled principles governing exercise of powers under Order VII Rule 11 CPC.

9. The revisional jurisdiction under Section 115 CPC is limited in nature and is to be exercised only where the subordinate Court has exercised jurisdiction

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not vested in it by law, failed to exercise jurisdiction vested in it, or acted with material irregularity in exercise of jurisdiction. The impugned order suffers from none of these infirmities.

10. Consequently, finding no merit in the present revision petition, the same is hereby dismissed.

11. Pending miscellaneous applications, if any, shall also stand disposed of.

(DEEPAK GUPTA)
JUDGE

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Vivek

Whether Speaking/reasoned *Yes*
Whether reportable *No*

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