



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Revision No. 4100 of 2023 (O&M)
Date of Decision: 17.04.2026**

Har Nand

..... Petitioner

Versus

Sh. Laxmi Narayan (Deceased) through LRs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sachin Mittal, Advocate with
Mr. Akshat Mittal, Advocate
for the petitioner.

Mr. Saket Bhandari, Advocate
for respondent No. 1 (c) (d) & (e) (LRs of plaintiff No. 1).

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 13.04.2023 (Annexure P-5) passed by the learned Civil Judge (Senior Division), Sonapat, whereby an application filed under Order VII Rule 11 CPC at the instance of the petitioner-defendant, seeking rejection of plaint in a suit for permanent injunction filed by the respondent-plaintiff stands dismissed.

[2] In brief, the parties to the suit are closely related to each other. The respondents-plaintiffs filed a suit for permanent injunction, with a prayer for restraining the petitioner-defendant from encroaching upon any portion of Shop No. 4, Old Grain Market, Sonapat in any manner whatsoever, or from transferring the same or raising any construction thereupon. The relevant prayer clause from the plaint filed by the

respondent(s) is extracted hereunder:-

“ It is, therefore, prayed that the decree for Permanent Injunction in favour of the plaintiffs and against the defendants, and the defendants be permanent restrained, not to encroachment in any portion of shop no. 4, old Grain Mandi, Sonapat, in any manner, and not to transfer the properties in any manner, and further not to construct any illegal construction etc. may kindly be passed with costs of the suit, and any other relief, which this Hon’ble Court deems fit and proper may also be awarded to the plaintiffs, in the interest of equity and justice.”

[3] Upon appearance, the petitioner-defendant preferred an application under Order VII Rule 11 CPC for rejection of the plaint, *inter alia*, on the following grounds:-

- “ 2. The plaintiffs hid the existence of an arbitration award dated 20.06.2008 regarding ownership and right to use of the property in the suit.*
- 3. The subject matter of the suit dated 25.5.2015 and award dated 20.6.2008 was the same i.e. ownership and right to use the Shop No. 119, New Grain Market, Lehrara, Sonapat. Hence no injunction orders can be issued except by the Hon’ble Court of DJ Sonapat.*
- 4. The plaintiff No. 1 filed an objection petition u/s 34 of the Arbitration Act 1996, against the existence of the award 2008 on 7.5.2015, in the Hon’ble Court of ADJ Sonapat but again hid this facts from the Hon’ble Court of CJ (JD) Sonapat.”*

[4] The said application was opposed at the instance of respondents-plaintiffs. The learned trial Court, vide order dated 13.04.2023, dismissed the application filed by the petitioner-defendant.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] A perusal of the record shows that the arbitration agreement dated 20.06.2008 was entered into between four brothers, namely, Laxmi Narayan, Harnand, Ram Babu and Rajesh. The said arbitration agreement pertained to a shop situated in New Grain Market at Sonapat. On the contrary, the present suit for permanent injunction preferred by the respondents-plaintiffs pertains to Shop No. 4, Old Grain Mandi, Sonapat. From the record, it cannot be traced out that proceedings under the provisions of Arbitration and Conciliation Act, 1996 are pending with respect to the subject property, i.e. Shop No. 4, Old Grain Mandi, Sonapat. In such circumstances, the plea raised by the petitioner-defendant with respect to rejection of plaint was legally unsustainable.

[7] Accordingly, the impugned order dated 13.04.2023 passed by the learned Civil Judge (Sr. Division), Sonapat, being based on proper appreciation of the material available on record, calls for no interference. Consequently, the present revision petition is **dismissed**.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

April 17, 2026

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>