



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

(125)

CR-4488-2026 (O&M)
Date of Decision: **26.05.2026**

RAJ SINGH @ RAJ KUMAR AND ANOTHER

... Petitioner(s)

Versus

SATBIR SINGH AND OTHERS

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sandeep Antehri, Advocate with
Mr. Ritender Rathee, Advocate
for the petitioners.

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VIRINDER AGGARWAL, J. (Oral)

1. The instant revision petition has been instituted under Article 227 of the Constitution of India invoking the supervisory jurisdiction of this Court to assail the order dated 01.04.2026 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Kaithal, whereby the application preferred by the petitioners under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short, "CPC") seeking rejection of the plaint came to be dismissed.

2. The factual matrix, in brief, is that the respondent-plaintiff instituted a suit seeking a decree for declaration, joint possession and permanent injunction, *inter alia*, on the plea that the suit property constituted ancestral and coparcenary property of a Joint Hindu Family and that, being a coparcener, he possessed a birthright therein. It was



further pleaded that the judgment and decree suffered by Ram Dhari, plaintiff, and defendant No.1 in Civil Suit No.944/91 decided on 13.11.1991 were illegal, null and void and had been procured by fraud and misrepresentation. Consequentially, the mutations sanctioned on the basis thereof were also assailed as being illegal and void. Challenge was further laid to the mutation of inheritance pertaining to Krishan, the brother of the plaintiff, as well as that of the plaintiff's mother, on the assertion that the same too were illegal, null and void.

2.1. Upon entering appearance, the petitioners moved an application under Order VII Rule 11 CPC seeking rejection of the plaint primarily on the ground that the suit was ex facie barred by limitation. It was contended that the plaintiff and defendant No.1 are residents of the same village and locality and, therefore, the plaintiff had complete knowledge of the execution of the impugned documents since their inception. Consequently, it was argued that the suit instituted after an inordinate lapse of time was hopelessly barred by limitation and was liable to be rejected at the threshold.

3. The said application was contested by the respondent-plaintiff and, after hearing the parties, the learned Civil Judge dismissed the same vide the impugned order. Aggrieved by the order so passed, the petitioners have preferred the present revision petition before this Court.

4. I have heard the submissions advanced by learned counsel for the petitioners and have carefully perused the paper-book, along with the material placed on record, with due consideration and circumspection.



5. Learned counsel for the petitioners contended that the learned Civil Judge failed to take into consideration the fact that the decree sought to be challenged in the present suit had been suffered as far back as in the year 1991 and that the plaintiff and defendant No.1 were residents of the same village and locality. It was argued that, in such circumstances, the plaintiff was fully aware of the civil court decree and the subsequent mutations sanctioned pursuant thereto and, therefore, the suit instituted by him was clearly barred by limitation.

5.1. However, the learned trial Court has correctly observed that while adjudicating an application under Order VII Rule 11 CPC, the Court is required to confine its consideration exclusively to the averments contained in the plaint and the documents appended thereto, and that any material sought to be introduced by the applicant-defendant beyond the pleadings of the plaintiff cannot be taken into consideration at that stage.

5.2. In the present case, the plaintiff has categorically averred in paragraph No.8 of the plaint that the cause of action first accrued in his favour in the month of September, 2021, when he allegedly acquired knowledge regarding the judgment, decree and mutation entries in question, and subsequently on 02.05.2022, when the defendants finally refused to acknowledge and admit the rights claimed by the respondent—plaintiff.

5.3. The learned trial Court was, therefore, justified in declining the application for rejection of the plaint, as the plaintiff had specifically pleaded lack of knowledge regarding the judgment, decree and mutation entries and had asserted that he became aware of the same only in



September, 2021. In such circumstances, the plaint, on the face of it, cannot be held to be barred by limitation at the threshold stage. The learned trial Court has rightly placed reliance upon the judgment of the Hon'ble Apex Court in *Salim D. Agboatwala and Others vs. Shamjit Oddavji Thakkar and Others Civil Appeal No.5641 of 2021 (@SLP© No.26441 of 2014.*

5.4. A careful perusal of the plaint and the documents appended thereto does not lead to an inescapable conclusion that the suit is barred by limitation. The contention raised by the petitioners that the plaintiff had knowledge of the decree and the subsequent mutation proceedings since their inception constitutes a seriously disputed question of fact, which necessarily requires adjudication upon appreciation of evidence to be adduced by the respective parties during trial.

5.5. Accordingly, this Court finds no illegality, perversity or jurisdictional infirmity in the impugned order warranting interference in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India. Consequently, the present revision petition, being devoid of merit, stands **dismissed**.

6. It is, however, clarified that the observations recorded here-in-above are confined exclusively to the adjudication of the present revision petition and shall not be construed as an expression of opinion on the merits of the underlying dispute between the parties. Such observations are limited strictly to the determination of the controversy arising in the present proceedings and have been made solely for the purpose of deciding the issues involved herein. Nothing contained in this order shall



prejudice, affect, or influence the rights, claims, pleas, or contentions of either party in any subsequent or ancillary proceedings, nor shall the same be construed as a final adjudication upon any substantive question of fact or law involved in the main matter.

7. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings, shall also stand disposed of by necessary implication. In view of the conclusions arrived at hereinabove, no separate or further orders are required to be passed in respect thereof.

26.05.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No