



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

CR-4471-2026(O&M)
Date of decision: 26.05.2026

Gurmail Singh

... Petitioner

Versus

Amandeep Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

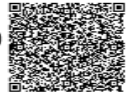
Present: Mr. Abhinav Jain, Advocate,
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. Present revision petition under Article 227 of the Constitution of India has been preferred by the petitioner/defendant being aggrieved by impugned order dated 17.03.2026 (Annexure P-1), passed by learned Civil Judge, Junior Division, Moga, whereby application preferred by him under Order VII Rule 11 CPC for rejection of plaint was dismissed.

2. Petitioner/defendant in his application under Order VII Rule 11 CPC had sought rejection of plaint on twin grounds; one that no cause of action has been shown justifying filing of suit and second that suit is barred by principle of *res judicata* as plaintiff/respondent has preferred another suit seeking permanent injunction, wherein counter-claim has been preferred by defendant.

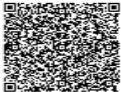
3. Learned Court of first instance after considering both the objections has found that from the reading of the plaint it is clearly made out that plaintiff/respondent had duly disclosed cause of action. Plaintiff/respondent has filed a suit seeking declaration that sale deed dated



24.12.2021 in favour of Gurdial Kaur and Gurmail Singh is null and void being result of fraud and absence of consideration.

4. Learned Court of first instance has also found that whether suit is barred by principle of *res judicata*, cannot be decided at the stage of rejection of plaint before evidence is led by the parties. It is after evidence, the Court may come to a conclusion whether the suit is barred by principle of *res judicata* or not.

5. On consideration, I find no error with the conclusion drawn by learned Court below. Reading of plaint goes to show that plaintiff/respondent had duly narrated the cause of action which had accrued to him. He is challenging execution of sale deed dated 21.12.2021 being result of fraud and being without consideration. The grounds stated therein clearly spell out the cause of action arisen to the plaintiff/respondent. Whether the said cause of action is true or liable to be rejected cannot be decided at the stage of rejection of plaint and can only be decided at the time of final decision of the case after appreciating evidence. Rejection of plaint can be resorted to only in case where there is total lack of cause of action which is not there in the present case. Similarly mere pendency of another suit for permanent injunction on same set of facts and counter claim filed by defendant is not a ground to plead *res judicata* at this stage. Otherwise also, whether a suit is barred by principle of *res judicata* or not can only be seen after the evidence is led and the judgment and decree which creates a bar for subsequent suit is placed on record by way of evidence. At the preliminary stage, where issues are yet to be framed and evidence is yet to be led, the suit cannot be rejected merely on the principle of *res judicata*.



- 6. There is no merit in the present petition. The same is accordingly dismissed.
- 7. Pending application(s), if any, also stands disposed of.

(PARMOD GOYAL)
JUDGE

May 26, 2026
Rajan

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No