

2026:PHHC:012636



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

CR-6516-2024 (O&M)

Date of Decision: 27.01.2026

Amandeep Kaur

....Petitioner

Versus

Gurudwara Sahib and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Kulbir Singh Saini, Advocate,
for the petitioner.

Mr. Sandeep Jain, Advocate, and
Mr. Sachin Jain, Advocate, for the respondent.

VIKRAM AGGARWAL, J.

The instant petition filed under Article 227 of the Constitution of India, assails the order dated 16.09.2024 (Annexure P.10) vide which two applications, i.e. one under Order 7 Rule 10 and another under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short 'the CPC'), were dismissed.

2. The facts, as emanating from the revision petition, are that respondent No.1-plaintiff instituted a suit with the following prayer:-

“Suit for declaration to the effect that the Gurudwara Sahib, Yaadgar Sant Ishar Singh Ji (Rara Sahib) is the owner-in-possession of the following land and properties:-

Clause-A

(i) Land measuring 55 kanals 6 marlas alongwith all buildings and structures etc. out of total land measuring 59 kanals 19 marlas bearing Khewat No. 98/92, Khatoni No. 108, Khasra No. 225(29-03), 226/2(8-2), Khewat No. 37/35, Khatoni No. 43, Khasra No. 216(7-19), Khewat No. 100/94, Khatoni No. 110, Khasra No. 224(14-15), as per jamabandi for the year 2020-2021 located within the revenue limits of village Sahota, H.B. No. 320, Tehsil Sri Anandpur Sahib, District Rupnagar.

AND

Clause-B

(i) Land measuring 2 kanals 0 marla alongwith residential house being $\frac{1}{4}$ share of land measuring 8 kanals bearing Khewat No. 112/106, Khatoni No. 114, Khasra No. 26R/2 (8-0), located within the revenue limits of village Pamal, H.B. No. 298, Tehsil Mullanpur Dakha, District Ludhiana, as per jamabandi for the year 2016-2017.

And the alleged Will dated 24.09.2020 allegedly executed by late Baba Gurinder Singh Chela Baba Ishar Singh Chela Baba

Attar Singh in favour of defendant No.1 is quite illegal, invalid, incompetent, null and void.....”

Respondent No.1-plaintiff claimed itself to be a registered Society having been registered on 27.07.2021. History of Baba Gurinder Singh was given. His association with Gurudwara Karamsar, Village Rara Sahib, Tehsil Payal, District Ludhiana, was also referred to. It was averred that Baba Gurinder Singh expired on 17.05.2021 after a prolonged illness and without appointing any person as his successor. It was averred that his funeral was performed by his followers.

It was averred that after the death of Baba Gurinder Singh, his followers had organized themselves into a Society (respondent No.1-plaintiff) for looking after the properties of Gurudwara Sahib, as referred to in the head note of the plaint. It was claimed that after the death of late Baba Gurinder Singh, petitioner-defendant No.1 cleverly got mutation of the suit property mentioned in Clause-B of the head note of the plaint, entered in her favour on the basis of a Will dated 24.09.2020, which was a forged and fabricated document, executed by preparing a false and fabricated *kursinama* in connivance with one Gurmeet Singh, Numberdar.

It was also claimed that late Baba Gurinder Singh, had never appointed or declared any person as his successor and the alleged Dastarbandi writing dated 25.05.2021, vide which petitioner-defendant No.1 had been appointed as a

successor of late Baba Gurinder Singh, was illegal, null and void and was a forged and fabricated document.

3. The suit was opposed by petitioner-defendant No.1 by way of written statement (Annexure P.2).

4. Two applications i.e., one under Order 7 Rule 10 CPC (Annexure P.6) and another under Order 7 Rule 11 CPC (Annexure P.7), were preferred. Since, in the present petition, learned counsel for the petitioner has, during the course of arguments, restricted the claim to the rejection of the application under Order 7 Rule 11 CPC, the contents of the application under Order 7 Rule 10 CPC, are not required to be stated.

5. In the application under Order 7 Rule 11 CPC, it was averred that no cause of action had arisen in favour of the plaintiff to file the suit. It was averred that the suit had been filed by the plaintiff as a Committee, whereas no such Committee had existed earlier and the suit had been filed only to harass and humiliate defendant No.1 with the sole motive of usurping the property.

It was averred that the suit property was the self acquired property of Baba Gurinder Singh and that after his death, petitioner-defendant No.1 had become owner in possession of the entire estate of Baba Gurinder Singh on the basis of a registered Will and mutation had also duly been sanctioned.

It was averred that in the mutation proceedings, objections had been raised by a few persons before Tehsildar,

Mullanpur, Tehsildar, Dakha and Tehsildar, Sri Anandpur Sahib. It was averred that under the circumstances, the plaint was liable to be rejected.

6. The said application was opposed by way of a reply (Annexure P.9), wherein all averments made in the application, were denied.

7. Vide order dated 16.09.2024, both the applications were dismissed, leading to the filing of the present revision petition.

8. I have heard learned counsel for the parties.

9. At the outset, learned counsel for the petitioner has submitted that he does not assail the findings recorded on the application under Order 7 Rule 10 CPC and that the petitioner is aggrieved only by the order passed in the application under Order 7 Rule 11 CPC.

He submits that no cause of action had arisen in favour of respondent No.1-plaintiff and the Committee itself had been constituted on 27.07.2021 i.e., after the death of Baba Gurinder Singh. He submits that the only endeavour is to harass petitioner-defendant No.1, who is the legally wedded wife of Baba Gurinder Singh and to drag her into litigation with a view to force her to arrive at a compromise.

Learned counsel submits that such frivolous litigation should not have been permitted to continue and if such cases are permitted to continue, there would be no end to the woes of helpless widows and litigants.

10. Per contra, learned counsel for respondent No.1-plaintiff has submitted that there is no illegality in the impugned order. He submits that all issues raised in the application for rejection of a plaint, can be decided only after the evidence is led. In support of his contentions, he relies upon a judgment of this Court in **Baljeet and others Vs. Prem Chand and others, 2025(2) RCR (Civil) 591.**

11. I have considered the submissions made by learned counsel for the parties.

12. Concededly, while deciding an application under Order 7 Rule 11 CPC, only contents of the plaint and the documents annexed therewith, are required to be gone into and the stand taken in the written statement, is not required to be seen.

13. As to whether, the Will dated 24.09.2020 is a genuine document or a forged and fabricated document, will be determined only during the course of trial. Still further, as to whether respondent No.1-plaintiff is entitled to the suit property and as to whether the mutation had rightly been entered, would also be determined only during the trial. All these issues can be determined only after the evidence is led. Merely because the Committee had been formed after the death of Baba Gurinder Singh, would not, *ipso-facto*, and especially at this stage, mean that there was no cause of action.

14. Even otherwise, if there are multiple issues involved and evidence is required to be led on some issues, a plaint cannot be rejected. It has been held by the Hon'ble Supreme

Court in **Central Bank of India and Another Vs. Smt. Prabha Jain and others, 2025 Live Law SC 96** that the Civil Court cannot reject a plaint under Order 7 Rule 11 CPC solely because one of the reliefs sought is barred by law. As long as other reliefs are valid and within the jurisdiction of the Court, the plaint must be allowed to proceed.

15. Under the circumstances, the revision petition is found to be devoid of merit and the same is accordingly dismissed.

16. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

27.01.2026
ds

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No