



S. No.131

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

**Civil Revision No.7907 of 2025
Date of Decision:15.01.2026**

Mohinder Kaur @ Mahinder Kaur

.....Petitioner

Vs.

Amarjit Kaur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the order dated 10.09.2025 (Annexure P.9) passed by the Court of Ld. Civil Judge (Junior Division), Samana, vide which an application under Section 10 CPC read with Order 7 Rule 11 CPC instituted by defendants No.1 and 10/ petitioners in a suit instituted by plaintiff/ respondent No.1 has been dismissed.

2. I have heard learned counsel for the petitioner and have perused the material placed on record.

3. It is alleged in the application filed under Order 7 Rule 11 CPC that the plaintiff has filed the present suit by concealing the material facts. Earlier, plaintiff had instituted a suit for declaration and permanent injunction in respect of the suit property bearing Civil Suit No.36/2016 titled “**Amarjit Kaur Vs. Mahinder Kaur**”, wherein compromise was effected between the parties and plaintiff- Amarjit Kaur had withdrawn the suit vide settlement dated 28.10.2020 and copy of compromise was also tendered in the Court of Additional Civil Judge (Senior Division), Samana. In the said compromise, she had also admitted the



execution of the Will dated 20.12.2015 executed by her son Amrik Singh, who was husband of defendant No.1/ petitioner. Now by way of present suit, she has again challenged the said Will dated 20.12.2015 and Mutation No.4769 sanctioned on the basis of said Will. Subject-matter in both the suits is same and present suit has been filed qua the same suit property, on same grounds but by concealing material facts without any cause of action. It has been prayed that the application be allowed and the plaint be rejected.

4. Plaintiff- respondent by way of reply to the application has denied the averments made in the application. Execution of any compromise has been denied. It has been denied that the plaintiff had admitted the Will dated 20.12.2015 allegedly executed by her son Amrik Singh. It is submitted that she is an aged widow and illiterate lady and defendant played game with her and succeeded in their plan and she sought dismissal of the application.

5. After hearing the parties, the application in hand was dismissed vide order dated 10.9.2025 which has been challenged by way of revision petition.

6. At the very outset, it is pertinent to mention that the scope of Order 7 Rule 11 CPC is very limited and only the averments in the plaint are to be looked into to determine whether the plaint discloses any cause of action or the same is barred by any law or not. The version set up by the defendant or the documents relied upon by her are not to be looked into and the disputed question of fact too cannot be looked into while forming an opinion regarding rejection of plaint. Defendant- applicant has alleged that plaintiff had earlier instituted a suit for declaration and permanent injunction which was compromised and plaintiff had withdrawn the suit. In the compromise, she had admitted the execution of the



Will allegedly executed by her son but now again, she has challenged the Will and is claiming 1/4th share being the legal heir of her son. Plaintiff, on the other hand has denied execution of any compromise or admission qua Will. As such, the version put forward by defendant is a disputed question of fact which can be gone into only after the parties lead their evidence. Even otherwise, admission of execution of a Will by a party does not dispense with its proof and even now, defendant- applicant shall have to establish that Amrik Singh had executed the valid Will in a sound disposing mind in her favour by leading evidence.

6. A perusal of the plaint nowhere shows that it does not disclose any cause of action or the same is barred by any law. Learned Civil Judge has also appreciated the facts of the case in the correct perspective while rejecting the application and has specifically observed that defendants’ contention regarding the falsity of the allegations pertains to merits of the case and the veracity of evidence which can only be decided during trial and not in an application under Order 7 Rule 11 CPC. As such, the impugned order does not call for any interference and the petition in hand is dismissed being meritless.

(Yashvir Singh Rathor)
Judge

January 15, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No