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

CR-8701-2025 (O&M)

Date of Decision : 24.02.2026

MOHIT KATYAL

.... Petitioner

VERSUS

MANOJ KUMAR AND ANOTHER

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Ajay Jain, Advocate for respondent No.1.

None for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 13.10.2025 (Annexure P-9) passed by the learned Civil Judge (Junior Division), Hisar whereby the application filed by defendant No.1-petitioner under Order VII Rule 11 CPC was dismissed.

2. Brief facts relevant to the present *lis* are that plaintiff-respondent No.1 herein filed a suit for mandatory injunction for directing the defendants (petitioner and proforma respondent No.2 herein) to hand over the vacant possession of first floor of house bearing No.5, M.C. No.512-B situated in Krishna Nagar, Hisar, Tehsil and District Hisar. In para No.9 of the plaint it has specifically been stated that the defendants (petitioner and proforma respondent No.2 herein) were inducted as licensee and that the permission had

since been revoked by plaintiff-respondent No.1. Written statement was filed and issues were framed. Thereafter, an application was filed by the applicant, namely, Manoj Kumar, son of Gulshan Rai (plaintiff-respondent No.1) under Order XXII Rule 10 CPC for substitution on the ground that plaintiff-respondent No.1 had transferred the house in question to the applicant vide lease deed dated 06.02.2019. The said application was allowed vide order dated 20.08.2024. Subsequently, an application was filed by defendant No.1-petitioner herein under Order VII Rule 11 CPC for rejection of the plaint on the ground that the suit itself was not maintainable as the licensee rights were not heritable. Reply was filed to the said application. Vide impugned order dated 13.10.2025 the said application was dismissed.

3. Learned counsel for defendant No.1-petitioner would contend that the plaint deserves to be rejected on the ground that a licence is not transferrable and since the application filed by the son of plaintiff-respondent No.1 for substitution had been allowed, therefore, there was no cause of action. It is further the contention of the learned counsel that at the time of deciding the application under Order VII Rule 11 CPC, the contents of the substitution application are to be seen and not the plaint. In support of his arguments, learned counsel has relied upon the judgment in the case of **Chinnan & Ors. vs. Ranjithammal [1931 AIR (Madras) 216]** to contend that a licence is not heritable or transferable.

4. *Per contra*, learned counsel for plaintiff-respondent No.1 would contend that only the contents of the plaint are to be seen at the time of deciding the application under Order VII Rule 11 CPC.

5. Heard.

6. In the present case the only ground for rejection of the plaint is on the basis of the fact that a substitution application had been filed by the son of plaintiff-respondent No.1. The argument of the learned counsel for defendant No.1-petitioner that since a licence is not heritable, therefore, the suit itself was not maintainable as the case set up by plaintiff-respondent No.1 was that defendant No.1-petitioner is the licensee, deserves to be rejected. The judgment relied upon by the learned counsel for defendant No.1-petitioner in the case of **Chinnan & Ors.** (supra) would not come to his aid, rather it supports the case of the applicant, namely, Manoj Kumar, inasmuch as in the said case it has been held that a transferor is not bound by the licence and the licence comes to an end with the death of the original licensor. In the present case since the licence would be considered to be transferred and since licence is not transferable, therefore, it would be deemed to have come to an end. In any case, even in the plaint the very case set up is that the licence had been revoked. It has further been held that a successor-in-interest of a licensee cannot inherit the rights as the licence is not heritable or transferable. As stated above, the licensor is stated to have transferred his rights in favour of the son who has now stepped into his shoes. It would, in any case, mean that the licence has come to an end. The judgment relied upon by the learned counsel for defendant No.1-petitioner in the case of **Chinnan & Ors.** (supra) would therefore have no relevance in the present case.

7. It is trite that at the time of deciding the application under Order VII Rule 11 CPC only the contents of the plaint are to be seen. The argument

of the learned counsel for defendant No.1-petitioner that it would be the contents of the substitution application which would need to be seen for deciding the application under Order VII Rule 11 CPC is wholly misplaced.

8. In case of **Chhotanben & Anr. vs. Kiritbhai Jalkrushnabhai Thakkar & Ors. [2018 (5) RCR (Civil) 163]** the Hon'ble Supreme Court held as under :

“12. What is relevant for answering the matter in issue in the context of the application under Order VII Rule 11(d), is to examine the averments in the plaint. The plaint is required to be read as a whole. The defence available to the defendants or the plea taken by them in the written statement or any application filed by them, cannot be the basis to decide the application under Order VII Rule 11(d). Only the averments in the plaint are germane. It is common ground that the registered sale deed is dated 18th October, 1996. The limitation to challenge the registered sale deed ordinarily would start running from the date on which the sale deed was registered. However, the specific case of the appellants (plaintiffs) is that until 2013 they had no knowledge whatsoever regarding execution of such sale deed by their brothers - original defendant Nos.1 & 2, in favour of Jaikrishnabhai Prabhudas Thakkar or defendant Nos.3 to 6. They acquired that knowledge on 26.12.2012 and immediately

took steps to obtain a certified copy of the registered sale deed and on receipt thereof they realised the fraud played on them by their brothers concerning the ancestral property and two days prior to the filing of the suit, had approached their brothers (original defendant Nos.1 & 2) calling upon them to stop interfering with their possession and to partition the property and provide exclusive possession of half (1/2) portion of the land so designated towards their share. However, when they realized that the original defendant Nos.1 & 2 would not pay any heed to their request, they had no other option but to approach the court of law and filed the subject suit within two days therefrom. According to the appellants, the suit has been filed within time after acquiring the knowledge about the execution of the registered sale deed. In this context, the Trial Court opined that it was a triable issue and declined to accept the application filed by respondent No.1 (defendant No.5) for rejection of the plaint under Order VII Rule 11(d). That view commends to us.”

Further, in the case of **Urvashiben & Anr. vs. Krishnakant Manuprasad Trivedi [2019(1) RCR (Civil) 366]** it has been held as under :

“15. By applying the aforesaid principles in the judgments relied on by Sri Dushyant Dave, learned senior

counsel appearing for the respondent, we are of the considered view that merits and demerits of the matter cannot be gone into at this stage, while deciding an application filed under O.VII R.11 of the CPC. It is fairly well settled that at this stage only averments in the plaint are to be looked into and from a reading of the averments in the plaint in the case on hand, it cannot be said that suit is barred by limitation. The issue as to when the plaintiff had noticed refusal, is an issue which can be adjudicated after trial. Even assuming that there is inordinate delay and laches on the part of the plaintiff, same cannot be a ground for rejection of plaint under O.VII R.11(d) of CPC.”

9. In view of the above, I do not find any illegality and infirmity in the order passed by the learned Trial Court. The present revision petition, being devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

10. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

24.02.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No