



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

Sr. No.115

**CR-5268-2025
Reserved on: 07.08.2025
Pronounced on: 22.08.2025**

ASIF ALI AND ANOTHER

..Petitioners

Versus

PAWAN SINGH

....Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present:- Mr. Naveen Sharma, Advocate
for the petitioners.

PARMOD GOYAL, J.

1. Aggrieved by dismissal of their application filed under Order 7 Rule 11 CPC read with Section 52 of Transfer of Property Act and Section 151 CPC for rejection of plaint, vide impugned order dated 16.05.2025 passed by Civil Judge, Junior Division, Pataudi, petitioners-defendants have preferred present revision petition. It is the case of the petitioners/defendants that the suit of plaintiff/respondent is based upon false, fabricated and concocted story and result of concealment of facts.

2. It is asserted that Regular Second Appeal bearing No. 1475 of 2020 is already pending before this Court. In the said appeal, vide order dated 06.10.2020, this Court has ordered parties to maintain status-quo regarding the suit property. Petitioners/defendants have claimed to be in peaceful possession of suit property since 1959. It is asserted that since the suit was filed by concealing the factum of pendency of RSA, same is, thus,



liable to be rejected. Plaintiff/respondent, however, had resisted the application under Order 7 Rule 11 CPC claiming that earlier suit and present suit have arisen from different cause of action. The earlier suit was for permanent injunction being preferred by defendants against plaintiffs, whereas, present one is for declaration and permanent injunction. Both the suits are based on different cause of action. That application under Order 7 Rule 11 CPC has been filed only to delay the hearing of stay application.

3. Learned Court of first instance, after considering objections taken by petitioner/defendant, concluded that there was no concealment of facts on the part of the plaintiff and he has duly disclosed not only about the pendency of RSA but has also disclosed the order dated 06.10.2020. As such, it cannot be held that plaintiff/respondent has no locus standi to file the suit. Plaintiff has duly disclosed the cause of action and therefore, application under Order 7 Rule 11 CPC was dismissed.

4. Order 7 Rule 11 CPC is reproduced as under:-

Rejection of plaint.- The plaint shall be rejected in the following cases:-

- (a) where it does not disclose a cause of action;*
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;*
- (c) where the relief claimed is properly valued but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;*
- (d) where the suit appears from the statement in the plaint to be barred by any law;*
- (e) where it is not filed in duplicate;*
- (f) where the plaintiff fails to comply with the provisions of rule;*

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was



prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave in justice to the plaintiff.]

5. In order to reject the plaint, one of the condition listed under Order 7 Rule 11 CPC is required to be fulfilled. However, in present case, on consideration of plaint, which is annexed with revision petition as Annexure P-1, it is clearly made out that plaintiff-respondent has duly disclosed the cause of action. A plain reading of the plaint also goes to show that plaintiff has claimed to have become owner in possession of suit property vide sale deed dated dated 16.04.2024 to the extent of 218 sq. Yards. It is the case of plaintiff/respondent that they are owner in possession of suit land and petitioner/defebdant is trying to obstruct peaceful possession of plaintiff by taking advantage of status quo order.

6. The plaint also discloses that plaintiff had duly stated about filing of suits by defendant/petitioner as well as orders passed by this Court in RSA preferred by defendant/petitioner bearing No.1475 of 2020.

7. There is no concealment of fact on the part of plaintiff and he has duly disclosed the cause of action, therefore, learned Court below has rightly held that plaint is not liable to be rejected. Moreover, petitioners have failed to show that the suit filed by respondent is barred by any law. Whether suit is barred by principle of resjudicata is a fact which is dependent of mixed question of fact and law and can be determined after evidence is lead by petitioner.

8. In view of the above, this Court finds no reason to interfere with the impugned order and the same is hereby upheld.

9. Hence, the revision petition is without any merit and hereby dismissed.



10. It is however, made clear that defendants/petitioners may take all possible defences to oppose the suit preferred by plaintiff/respondent.

22nd August, 2025
Anu

(PARMOD GOYAL)
JUDGE

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