

**125 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.1578 of 2025****Date of Decision: May 06, 2025****Puran Chand****. . . . Petitioner**

Vs.

Dharam Asthan Rakshak Committee (Regd.)

Shri Gauri Shankar Mandir

. . . . RESPONDENT**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Vikram Singh and Mr. Abhinav Sood, Advocates
for the petitioner.**DEEPAK GUPTA, J.**

Petitioner herein is the defendant before learned Civil Judge (Sr. Divn.), Yamunanagar at Jagadhri in Civil Suit titled as "*Dharam Asthan Rakshak Committee (Regd.) v. Puran Chand*", (CIS No.CS/2791/2022). He is aggrieved by the order dated 11.12.2024 (Annexure P-4), whereby his application under Order VII Rule 11 CPC to reject the plaint of the aforesaid suit has been dismissed.

2. Assailing the impugned order, learned counsel for the petitioner contends that the plaint (Annexure P-1) did not disclose any cause of action and therefore, the plaint deserved to be rejected.

3. A perusal of the plaint would reveal that plaintiff-society claimed to be owner of the total property including the suit property, which was initially cultivated by one Jai Narain a tenant, who had hired various persons as servants to cultivate the same. Defendant was one of them. It was alleged that defendant succeeded in getting his name entered in the revenue record as one of the tenant illegally and based on that entry, filed a suit for permanent injunction in 1985 by claiming himself to be a tenant. Though the suit was dismissed on 02.01.1992, but the appeal filed by him was accepted

29.04.1994 by holding the plaintiff to be in possession, but further holding that he could be dispossessed in due course of law. It was further pleaded by the plaintiff that the entire land was later on partitioned and the suit land had come to the share of the plaintiff. The plaintiff had filed an ejectment petition against defendant on the ground of subletting, which was allowed on 07.05.2010. The appeal of the defendant was dismissed by the Collector on 02.06.2011. However, the revision was accepted by the Commissioner and now, the matter is pending for adjudication before the Financial Commissioner. With the aforesaid averments, plaintiff had prayed to restrain the defendants from changing the existing nature of the suit property and from raising any sort of construction.

4. Learned counsel contends that plaintiff has not disclosed the dates of the orders, when the different orders were passed by the revenue authorities and as to what for particular date, the matter is pending for adjudication before the Financial Commissioner. It is also contended that even the date of partition order is not disclosed.

5. I am afraid that there is no merit in the contention. The trial Court has rightly observed in the impugned order that entire plaint is required to be looked into in order to find out as to whether it discloses cause of action or not. On the combined reading of the plaint and the relief as sought by the plaintiff, it is clearly made out that cause of action was claimed by the plaintiff in his favour.

6. This Court does not find any illegality or perversity in the impugned order so as to warrant any interference. Finding the present revision petition to be devoid of any merit, the same is hereby dismissed.

May 06, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No