



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

Reserved on: 24.07.2025
Pronounced on : 19.08.2025

- 1) CR-1381-2025 (O&M)
- Abnashjit Singh Grewal and another ...Petitioners
- V/s
- Upneet Kaur Grewal and others ...Respondents
- 2) CR-3481-2025 (O&M)
- Darashjit Singh Grewal ...Petitioner
- V/s
- Upneet Kaur Grewal and others ...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Mr. M.L. Saggar, Senior Advocate with
Ms. Armaan Saggar, Advocate &
Mr. Omesh Garg, Advocate,
for the petitioners in CR-1381-2025.

Mr. Naresh Jain, Advocate and
Ms. Anjali Khosla, Advocate
for the petitioner in CR-3481-2025 and
for respondent No.4 in CR-1381-2025.

Mr. G.P. Vashisht, Advocate
for respondent No.5 in CR-1381-2025.

Ms. Upneet Kaur-respondent No.1 in person and
for respondents No.2 and 3.

VIKRAM AGGARWAL, J

By way of the instant judgment, two revision petitions, though arising out of different orders but in the same suit between the same parties, shall be decided together.

2. The facts shall essentially be derived from CR-1381-2025, though reference shall be made to the other case also as and where required.



3. CR-1381-2025 assails the order dated 11.12.2024 (Annexure P-4) passed by the Court of Civil Judge (Jr. Divn.), Chandigarh, vide which an application (Annexure P-2) moved by defendants No.2 to 4 (Abnashjit Singh Grewal, Inderjit Kaur Grewal and Kamaljit Kaur Sidhu) under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short the “CPC”) for rejection of plaint was dismissed.

3.1 CR-3481-2025 also assails a similar order dated 11.12.2024 (Annexure P-1) passed by the Court of Civil Judge (Jr. Divn.), Chandigarh, vide which an application moved by defendant No.1 (Darashjit Singh Grewal) under Order 7 Rule 11 CPC was dismissed.

4. The dispute, once again, is between close family members with regard to immovable and movable properties of late Sh. Sharanjit Singh Grewal.

5. The facts, as set out, are that a civil suit (Annexure P-1) was instituted by respondents No.1 to 3/plaintiffs (hereinafter referred to as the “plaintiffs”) (Upneet Kaur Grewal, Gurmehar Kaur Grewal and Raijas Kaur Grewal), who are the wife and daughters of defendant No.1 (Darashjit Singh Grewal). They sought declaration to the effect that the plaintiffs and defendants were co-owners in joint possession of all properties (immovable and movable), the details of which were given in the plaint, left by deceased Sh. Sharanjit Singh Grewal, who was the father-in-law of plaintiff No.1 and grandfather of plaintiffs No.2 and 3. He was the father of defendants No.1, 2 and 4 and husband of defendant No.3. A declaration was also sought that the alleged Will stated to have been executed by late Sh. Sharanjit Singh Grewal in favour of defendants No.1, 2 and 3 was false, collusive, fictitious, the result of a fraud, misrepresentation etc. A further declaration was sought that the sale deed/s stated to have been executed by defendants No.1 to 4 in



favour of any other person, were false, forged and without consideration and were liable to be set aside. Yet another declaration was sought that the plaintiffs were entitled to their respective shares on the basis of the properties being Joint Hindu Coparcenary Mustarka Properties. Another declaration that the plaintiffs were entitled to reside in the residential House No.1204, Sector 8C, Chandigarh (hereinafter referred to as the “Sector 8 House”) was also sought. Consequential relief of injunction restraining the defendants from alienating the suit properties or from changing their nature etc. was also sought.

6. It was averred that plaintiff No.1 along with her daughters (plaintiffs No.2 and 3) had been residing continuously and peacefully in Sector 8 House from the very beginning without any interference or interruption. Late Sh. Sharanjit Singh Grewal was owner in possession of immovable and movable properties, which after his death were succeeded by plaintiffs and defendants. It was pleaded that the plaintiffs were owners in possession to the extent of $1/6^{\text{th}}$ share each of all properties being members of coparcenary.

7. It was averred that defendant No.1 and other defendants had started hurling threats that they had acquired the properties on the basis of some Will and that the plaintiffs would be thrown out of the properties. Under the circumstances, the suit was instituted.

8. During the pendency of the suit, an application under Order 7 Rule 11 CPC (Annexure P-2) was moved by defendants No.2 and 4. It was averred that the plaint was vague as no details of properties, ownerships of properties i.e. as to which property was owned by which defendant was given. It had also not been mentioned that which property was exclusively owned by late Sh. Sharanjit Singh Grewal. It was averred that no cause of



action accrued in favour of the plaintiffs when they themselves admitted that the properties had devolved upon the defendants by way of a Will, the details of which were not given in the plaint. It was averred that even if the Will was set aside, the plaintiffs would not be entitled to any share as only the defendants were Class 1 legal heirs. It was also averred that there was no uniformity between the averments made in the plaint and documents attached thereto.

8.1 It was further averred that the plaintiffs had no right to claim ownership in the properties, not being Class 1 legal heirs of late Sh. Sharanjit Singh Grewal till defendant No.1 (Darashjit Singh Grewal) was alive. It was averred that the cause of action had been camouflaged by the plaintiffs by way of clever drafting as a result of which, the plaint was required to be rejected.

9. In so far as CR-3481-2025 is concerned, the application for the rejection of plaint was moved by defendant No.1 (Darashjit Singh Grewal) mainly on the ground that he was guardian of plaintiff No.3, who was a minor and that the suit had been filed with an intention to harass and humiliate defendant No.1 as he had a matrimonial dispute with plaintiff No.1. It was averred that the plaint did not bear the signatures of plaintiff No.2 and, therefore, the suit was not maintainable and was liable to be rejected.

10. Both applications were opposed by way of reply/s.

11. By way of the impugned order/s, the application/s were rejected, leading to filing of the instant revision petitions.

12. Learned counsel for the parties were heard.

13. It was strenuously urged by Sh. M.L. Saggar, learned Senior Counsel representing the petitioners in CR-1381-2025 and Mr. Naresh Jain,



Advocate, representing the petitioners in CR-3481-2025, as also learned counsel for the respondents (respondent No.1 (Upneet Kaur Grewal) appeared and argued in person) that the impugned order is not sustainable. It was submitted that the plaint is totally vague containing general averments and, therefore, no cause of action arose in favour of the plaintiffs. It was also submitted that the application was in fact an application under Order 6 Rule 16 CPC read with Order 7 Rule 11 CPC as none of the relevant documents were attached with the plaint and vague, unnecessary, as also frivolous pleadings were liable to be struck out. Learned Senior Counsel referred to the plaint in detail and submitted that a bare perusal of the same would show that no cause of action was made out.

14. It was further submitted that under no circumstances, can the plaintiffs be stated to be coparceners. It was submitted that no details of properties, ownerships of the said properties, the current status of the properties etc. had been given. It was further submitted that no details of any Will were given and that such a vague plaint was not liable to be taken forward for trial.

14.1 It was submitted that nowadays it has become a sort of fashion for estranged daughters-in-law to institute such suits and involve all properties in litigation forcing parties to come to the negotiating table even if it was not made out.

14.2 It was submitted that granddaughters cannot challenge devolving of properties during the lifetime of their father and even the Will cannot be challenged during his lifetime.

14.3 It was further submitted that Abnashjit Singh Grewal and Kamaljit Kaur Sidhu, who was the brother and sister of defendant No.1 (Darashjit Singh Grewal) had absolutely no concern with the *inter se*



disputes of the parties and, therefore, no cause of action arose against them.

In support of their contentions, learned counsel placed reliance upon:-

1. ***Major Singh vs. Angrez Singh and others, 2024(3) PLR 386;***
2. ***Karamjit Singh vs. Harbans Singh, 2024 NC PHHC 117244;***
3. ***Rajendra Bajoria and others vs. Hemant Kumar Jalan and others, (2022)12 SCC 641;***
4. ***Shri Neeraj Bhatia vs. Shri Ravindra Kumar Bhatia and others, 2024 NCDHC 5341;***
5. ***Dr. G.M. Singh vs. Dr. Trilochan Singh and others, 2022 SCC Online Del 3514;***
6. ***Sh. Surender Kumar Khurana vs. Tilak Raj Khurana and others, 2016 SCC Online Del 336;***
7. ***Anchit Sachdeva and another vs. Smt. Sudesh Sachdeva and others, 2024 NCDHC 9629;***
8. ***Nachiketa Kantibhai Patel and others vs. Kantibhai Ishwarbhai Patel and others, 2025 NCGUJHC 28358;***
9. ***Sushant vs. Sunder Shyam Singh, 2013(39) RCR (Civil) 458;***
10. ***Dahiben vs. Arvinbhai Kalyanji Bhanusali (Gajra) (D) Thr Lrs & Ors., 2020 AIR SC 3310;***
11. ***Gopal Raja (Died) and others vs. Selvaraj (SA-943-2000, decided on 19.07.2019) Law Finder ID: 1572260 and***
12. ***Sh. Surender Kumar vs. Sh. Dhani Ram and others, 2016 SCC Online Del 333.***
15. ***Per contra***, Ms. Upneet Kaur Grewal, who appeared in person, vociferously contended that there is no illegality in the impugned order. It was submitted that on a reading of the plaint, no ground is made out for rejection of the same. It was further submitted that no application for rejection of plaint had been moved by defendant No.3. It was submitted that



partial rejection of the plaint would not be permissible. It was also argued that an application for amendment of plaint had been moved by the plaintiffs seeking to make certain amendments in the plaint and to place on record all relevant documents which was not decided prior to the decision of the application under Order 7 Rule 11 CPC and that the same is pending adjudication.

16. It was submitted that apart from the application for amendment, many other applications are pending, which are yet to be decided and that under the circumstances, the plaint cannot be rejected at the threshold. In support of her contentions, she placed reliance upon:-

1. ***Kum. Geetha d/o Late Krishna and others vs. Nanjundaswamy and others, 2023 AIR SC 5516;***
2. ***Gurdev Singh vs. Harvinder Singh, 2022 SCC Online SC 2193;***
3. ***Daliben Valjibhai and others vs. Prajapati Kodarbhai Kachrabhai and another, 2024 SCC Online SC 4105;***
4. ***Church of Christ Charitable Trust & Educational Charitable Society vs. M/s Ponniamman Educational Trust represented by its Chairperson/Managing Trustee, 2012 AIR SC 3912;***
5. ***Kamalakar and others vs. Divakar and others, (RFA-100174-2017 (PAR), decided on 18.03.2024);***
6. ***Rash Bihari Mondal and others vs. Smt. Munna Das and others, (CO-2193-2022, decided on 04.11.2022) (Law Finder ID: 2088585);***
7. ***Zuari Agro Chemicals Limited vs. Mcdowell Holdings Limited, (RFA-610-2019, decided on 28.05.2019) (Law Finder ID: 1488746) and***
8. ***Smt. Vydhehi vs. Smt. B. Amrutha, (CRP-3280-2011, decided on 10.07.2017).***



17. I have considered the submissions made by learned counsel for the parties, as also by Ms. Upneet Kaur, respondent No.1, who appeared in person.

18. It is well settled that for the purpose of decision of an application moved under Order 7 Rule 11 CPC, only the averments in the plaint and the documents attached therewith are to be considered. The averments made in the written statement or in the reply to the application for rejection of plaint are not required to be taken into consideration. It is further well settled that rejection of plaint is a drastic power and must be exercised only when the plaint, on its face, discloses no cause of action or is barred by law. The relevant principles were succinctly explained by the Hon'ble Supreme Court of India in the case of *Daliben Valjibhai and others vs. Prajapati Kodarbhai Kachrabhai and another*, 2024 SCC Online SC 4105:-

"23.2. The remedy under Order 7 Rule 11 is an independent and special remedy, wherein the court is empowered to summarily dismiss a suit at the threshold, without proceeding to record evidence, and conducting a trial, on the basis of the evidence adduced, if it is satisfied that the action should be terminated on any of the grounds contained in this provision.

23.3. The underlying object of Order 7 Rule 11(a) is that if in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11(d), the court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.

23.4. In Azhar Hussain v. Rajiv Gandhi (Azhar Hussain v. Rajiv Gandhi, 1986 Supp SCC 315. Followed in Manvendrasinhji Ranjitsinhji Jadeja v. Vijaykunverba. 1998 SCC OnLine Guj 281: (1998) 2 GLH 823) this Court held that the whole purpose of conferment of powers under this provision is to ensure that a litigation which is meaningless and bound to prove abortive, should not be permitted to waste judicial time of the court, in the following words: (SCC p. 324, para 12)

"12.... The whole purpose of conferment of such powers is to ensure that a litigation which is meaningless, and bound to prove abortive should not be permitted to occupy the time of the court,



and exercise the mind of the respondent. The sword of Damocles need not be kept hanging over his head unnecessarily without point or purpose. Even in an ordinary civil litigation, the court readily exercises the power to reject a plaint, if it does not disclose any cause of action."

23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated in Order 7 Rule 11 are required to be strictly adhered to.

23.6. Under Order 7 Rule 11, a duty is cast on the court to determine whether the plaint discloses a cause of action by scrutinising the averments in the plaint [Liverpool & London S.P. & I Assn. Ltd. v. M.V. Sea Success I. (2004) 9 SCC 5121. read in conjunction with the documents relied upon, or whether the suit is barred by any law.

23.9. In exercise of power under this provision, the court would determine if the assertions made in the plaint are contrary to statutory law, or judicial dicta, for deciding whether a case for rejecting the plaint at the threshold is made out.

23.10. At this stage, the pleas taken by the defendant in the written statement and application for rejection of the plaint on the merits, would be irrelevant, and cannot be adverted to, or taken into consideration. Sopan Sukhdeo Sable v. Charity Commr., (2004) 3 SCC 137)

23.11. The test for exercising the power under Order 7 Rule 11 is that if the averments made in the plaint are taken in entirety, in conjunction with the documents relied upon, would the same result in a decree being passed. This test was laid down in Liverpool & London S.P. & I Assn. Ltd. u. M.V. Sea Success | Liverpool & London S.P. & I Assn. Ltd. v M.V. Sea Success I. (2004) 9 SCC 512) which reads as: (SCC p. 562. para 139)

"139. Whether a plaint discloses a cause of action or not is essentially a question of fact. But whether it does or does not must be found out from reading the plaint itself. For the said purpose, the averments made in the plaint in their entirety must be held to be correct. The test is as to whether if the averments made in the plaint are taken to be correct in their entirety, a decree would be passed."

23.12. In Hardesh Ores (P) Ltd. v. Hede & Co. Hardesh Ores (P) Ltd. v. Hede & Co.. (2007) 5 SCC 614) the Court further held that it is not permissible to cull out a sentence or a passage, and to read it in isolation. It is the substance, and not merely the form, which has to be looked into. The plaint has to be construed as it stands, without addition or subtraction of words. If the allegations in the plaint prima facie show a cause of action, the court cannot embark upon an enquiry whether the



allegations are true in fact. D. Ramachandran v. R.V. Janakiraman (D. Ramachandran v. R.V. Janakiraman, (1999) 3 SCC 267: See also Vijay Pratap Singh v. Dukh Haran Nath Singh. AIR 1962 SC 9411.

23.13. If on a meaningful reading of the plaint, it is found that the suit is manifestly vexatious and without any merit. and does not disclose a right to sue, the court would be justified in exercising the power under Order 7 Rule 11 CPC.

23.14. The power under Order 7 Rule 11 CPC may be exercised by the court at any stage of the suit, either before registering the plaint, or after issuing summons to the defendant, or before conclusion of the trial, as held by this Court in the judgment of Saleem Bhal v. State of Maharashtra (Saleem Bhal v. State of Maharashtra, (2003) 1 SCC 557. The plea that once issues are framed, the matter must necessarily go to trial was repelled by this Court in Azhar Hussain case Azhar Hussain v. Rajiv Gandhi, 1986 Supp SCC 315. Followed in Manvendrasinhji Ranjitsinhji Jadeja u Vijaykunverba, 1998 SCC OnLine Guj 281:(1998) 2 GLH 823).

23.15. The provision of Order 7 Rule 11 is mandatory in nature. It states that the plaint "shall" be rejected if any of the grounds specified in clauses (a) to (e) are made out. If the court finds that the plaint does not disclose a cause of action. or that the suit is barred by any law, the court has no option, but to reject the plaint."

19. Still further, it is also now well settled that a plaint cannot be rejected in part. Reference in this regard can be made to a judgment of the Hon'ble Supreme Court of India in the case of *Kum. Geetha d/o Late Krishna and others vs. Nanjundaswamy and others, 2023 AIR SC 5516*. In this case, while tracing the law starting from the decision in the case of *Maqsd Ahmad vs. Mathra Datt & Co., AIR 1936 Lahore 1021*, followed by the judgment of the Supreme Court of India in the case of *Sejal Glass Ltd. Sejal Glass Ltd. v. Navilan Merchants (P) Ltd., (2018) 11 SCC 780* and *Madhav Prasad Aggarwal v. Axis Bank Lid., (2019) 7 SCC 158*, the Supreme Court of India held that a plaint cannot be rejected in part:-

"11. There is yet another reason why the judgment of the High Court is not sustainable. In an application under Order VII Rule 11, CPC a plaint cannot be rejected in part. This principle is well established and has been continuously followed since the 1936 decision in Maqsd Ahmad v. Mathra Datt



& Co. This principle is also explained in a recent decision of this Court in Sejal Glass Ltd. v. Navilon Merchants (P) Ltd. which was again followed in Madhav Prasad Aggarwal v. Axis Bank Ltd. The relevant portion of Madhav Prasad (supra) is extracted hereinunder:

10. We do not deem it necessary to elaborate on all other arguments as we are inclined to accept the objection of the appellant(s) that the relief of rejection of plaint in exercise of powers under Order 7 Rule 11(d) CPC cannot be pursued only in respect of one of the defendant(s). In other words, the plaint has to be rejected as a whole or not at all, in exercise of power under Order 7 Rule 11(d) CPC. Indeed, the learned Single Judge rejected this objection raised by the appellant(s) by relying on the decision of the Division Bench of the same High Court. However, we find that the decision of this Court in Sejal Glass Ltd. v. Navilan Merchants (P) Ltd., (2018) 11 SCC 780: (2018) 5 SCC (Ctv) 256 is directly on the point. In that case, an application was filed by the defendant(s) under Order 7 Rule 11(d) CPC stating that the plaint disclosed no cause of action. The civil court held that the plaint is to be bifurcated as it did not disclose any cause of action against the Director's Defendant(s) 2 to 4 therein. On that basis, the High Court had opined that the suit can continue against Defendant 1 company alone. The question considered by this Court was whether such a course is open to the civil court in exercise of powers under Order 7 Rule 11(d) CPC. The Court answered the said question in the negative by adverting to several decisions on the point which had consistently held that the plaint can either be rejected as a whole or not at all. The Court held that it is not permissible to reject plaint qua any particular portion of a plaint including against some of the defendant(s) and continue the same against the others. In no uncertain terms the Court has held that if the plaint survives against certain defendant(s) and/or properties, Order 7 Rule 11(d) CPC will have no application at all, and the suit as a whole must then proceed to trial.

12. Indubitably, the plaint can and must be rejected in exercise of powers under Order 7 Rule 11(d) CPC on account of non-compliance with mandatory requirements or being replete with any institutional deficiency at the time of presentation of the plaint, ascribable to clauses (a) to (1) of Rule 11 of Order 7 CPC. In other words, the plaint as presented must proceed as a whole or can be rejected as a whole but not in part..."

(emphasis supplied)

12. In view of the above referred principle, we have no hesitation in holding that the High Court committed an error in rejecting the plaint in part



with respect to Schedule-A property and permitting the Plaintiffs to prosecute the case only with respect to Schedule-B property. This approach while considering an application under Order VII Rule 11. CPC is impermissible. We, therefore, set aside the judgment and order of the High Court even on this ground.”

20. The Calcutta High Court in the case of ***Rash Bihari Mondal and others vs. Smt. Munna Das and others, (CO-2193-2022, decided on 04.11.2022)*** held that where applications for rejection of plaint and its amendment were pending, both applications should be heard together with a view to avoid prejudice to either party. A similar view was taken by the Karnataka High Court in the case of ***Zuari Agro Chemicals Limited vs. Mcdowell Holdings Limited, (RFA-610-2019, decided on 28.05.2019)***.

21. Reverting to the facts of the case, the plaintiffs prayed for a number of declarations and injunction. No doubt, details of properties, their ownerships thereof, the date of the Will and its details were not given. However, concededly an application for amendment is also pending, which was not decided. Be that as it may, keeping in view the number of reliefs sought in the plaint, the details of which have been given in the opening part of the judgment, and also keeping in view the fact that one of the defendants (defendant No.3) has not filed any application for rejection of plaint, it would not be possible to reject the plaint at the threshold. It has to be borne in mind that important rights of parties are involved and to reject the plaint at the threshold would be a very drastic action, which should be resorted to only in case the Court is of the firm opinion that the ingredients laid down in Order 7 Rule 11 CPC are fulfilled.

22. I have gone through the judgments relied upon by learned counsel representing the petitioners. In the case of ***Karamjit Singh (supra)***, a coordinate Bench held that a registered Will could not be contested by a



third party which had no connection with the estate of the deceased. This judgment was rendered, wherein an application for being impleaded as legal representative was filed before the first appellate Court and was allowed. It was not a case deciding an application under Order 7 Rule 11 CPC. The order of the first appellate Court was upheld by the coordinate Bench while holding that a third party could not lay challenge to a registered Will. In the opinion of this Court, this judgment would not be of any help to the petitioners as it was rendered in a totally different context. In the case of *Rajendra Bajoria* (supra), the Supreme Court of India held that a plaint should be rejected when it does not disclose any cause of action and that the relief claimed cannot be granted. In the present case, it cannot be held that at this stage that the relief claimed by the plaintiffs cannot be granted and, therefore, this judgment would also not come to the aid of the respondents. In the case of *Major Singh* (supra), a coordinate Bench held that a property devolving through a Will loses its ancestral character and becomes a self acquired property. There is absolutely no quarrel with the said proposition. However, in the case in hand, the plaintiffs have also laid challenge to a Will. The other judgments relied upon also do not come to the aid of the petitioners for the same reason. There would be no requirement of mentioning each judgment separately, as all judgments essentially deal with the same point.

23. Keeping in view the aforesaid discussion, the facts and circumstances as have been noticed in the preceding paragraphs and the law on the subject, this Court does not find any illegality in the impugned orders warranting interference.



24. That being so, the present revision petitions are devoid of merit and are accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

Pronounced on:19.08.2025

vchgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No