



CR No. 6362 of 2025 (O&M) -1-

122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6362 of 2025 (O&M)
DATE OF DECISION: 11.09.2025

DINESH YADAV

.....PETITIONER

Vs.

RAMCHANDER YADAV AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Shailender Singh & Ms. Priya Bhati, Advocates,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 08.05.2025 (Annexure P-4), passed by the learned Additional Civil Judge (Senior Division), Faridabad, whereby the application dated 24.01.2025 (Annexure P-2), moved by the petitioner-defendant No. 2 under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short, “the CPC”), for rejection of the plaint, was dismissed.

2. Brief facts of the case are that contesting respondent No. 1-plaintiff Ramchander Yadav, son of late Sh. Budh Ram Yadav, had filed a summary suit under Order XXXVII Rule 5 of the CPC for recovery of ₹48,00,000/- along with interest against the present petitioner-defendant No. 2 and one Tarun @ Amit, son of Ghanshyam—defendant No. 1, who is the proforma respondent herein.

2.1 Notice of the suit was issued to the present petitioner and the proforma respondent/defendant No. 1. Upon notice, the present petitioner-defendant No. 2 appeared and filed an application under Order VII Rule 11



of the CPC, submitting that the plaint is liable to be rejected on sufficient grounds, including the following:—

- i. A duplicate copy of the plaint, as well as the supporting affidavit, was never filed;
- ii. The suit is barred by Order II Rule 2 of the CPC;
- iii. The suit is barred by limitation, and no cause of action has accrued in favour of the plaintiff.

2.2. Notice of the application was issued to the contesting respondent No. 1-plaintiff, who filed a reply thereto.

2.3 After considering the rival contentions of the parties, the learned lower Court dismissed the application of the petitioner-defendant No. 2, vide order dated 08.05.2025 (Annexure P-4), which is now under challenge in the present petition.

3. Learned counsel for the petitioner submitted that the learned Court miserably failed to appreciate that the contesting respondent No. 1-plaintiff did not disclose any cause of action against the petitioner-defendant No. 2. The entire basis of the suit is the alleged undertaking by defendant No. 1 to return ₹48,00,000/-. The petitioner-defendant No. 2 was not a party to the said undertaking. The mere allegation that the petitioner-defendant No. 2 received some part of the original sale consideration in 2008 does not create a valid cause of action against him for breach of a subsequent compromise made in the year 2011 by defendant No. 1. Thus, it was submitted that the learned lower Court failed to appreciate these facts and wrongly dismissed the application under Order VII Rule 11 of the CPC.



3.1 Accordingly, a prayer was made that the impugned order dated 08.05.2025 (Annexure P-4), which is under challenge in the present petition, be set aside, and the plaint of the contesting respondent No. 1-plaintiff be rejected.

4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents as it would delay the proceedings besides entailing additional expense to them.

6. On hearing the submissions of learned counsel for the petitioner, and as discussed above, the contesting respondent No. 1-plaintiff had filed a summary suit for recovery of ₹48,00,000/- along with interest from 20.06.2011 till realization, on the ground that earlier he had purchased one acre of agricultural land, vide registered sale deed No. 4257 dated 19.05.2005, situated in Village Bhupani Deha Patti, District Faridabad. However, FIR No. 260 dated 28.04.2010 was registered by Smt. Lata Devi for cheating and fraud against both the defendants, i.e. the present petitioner and proforma respondent No. 2, as well as the plaintiff himself. Thereafter, a compromise was effected, whereby it was agreed that defendant No. 1 Tarun @ Amit (proforma respondent No. 2 herein) was bound to return ₹48,00,000/- to the plaintiff-contesting respondent No. 1 on or before 30.06.2011. After the compromise, the contesting respondent No. 1-plaintiff repeatedly visited the residence of the present petitioner and defendant No. 1 for obtaining the said amount, but in vain. It was categorically submitted by the contesting respondent No. 1-plaintiff that he



CR No. 6362 of 2025 (O&M) -4-

is a victim of fraud and was cheated by the present petitioner-defendant No. 2 and proforma respondent No. 2-defendant No. 1, Tarun @ Amit.

7. Keeping in view the above facts and circumstances, this Court is of the considered view that, at the stage of exercising power under Order VII Rule 11 CPC, the stand of the petitioner-defendant No. 2 in the written statement or in the application is wholly immaterial. It is only where the averments in the plaint *ex facie* do not disclose a cause of action, or where on a reading thereof the suit appears to be barred by law, that the plaint can be rejected.

8. On this point, this Court has also taken note of the judgment of the Hon'ble Supreme Court in *P.V. Guru Raj Reddy Rep. by GPA Laxmi Narayan Reddy and another v. P. Neeradha Reddy and others*, 2015 (2) RCR (Civil) 43.

9. Thus, this Court finds no merit in the prayer for setting aside the order dated 08.05.2025 (Annexure P-4), passed by the learned Additional Civil Judge (Senior Division), Faridabad.

10. Finding no illegality in the impugned order dated 08.05.2025 (Annexure P-4), the present revision petition, being devoid of merit, is accordingly dismissed.

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

SEPTEMBER 11, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No