



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

(130)

CR-3208-2025 (O&M)

Date of decision: - 26.05.2025

Pawan and another

....Petitioners

Versus

Sant Ram @ Sant Raj and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Pardeep Panwar, Advocate, for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.04.2025 (Annexure P-3) passed by the Civil Judge (Junior Division), Gurugram, vide which the application filed by the petitioners under Order 7 Rule 11 read with Section 151 CPC for rejection of the plaint has been dismissed.

2. Learned counsel for the petitioners has submitted that the petitioner No.1 is the son of respondent No.1/plaintiff and he has a general power of attorney in his favour and thus, he has rights in the property in question and has thus prayed that the petition filed by respondent No.1 under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 be rejected and the application filed by the petitioners under Order 7 Rule 11 CPC be allowed and the impugned

order, vide which the said application has been dismissed, be set aside.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that respondent No.1/Sant Ram had filed a petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 on the plea that he was a co-owner of the property in question and that respondent No.1 therein i.e. Indus Towers Limited (respondent No.2 herein) was a lessee in the premises and that the said lessee was in arrears of rent for a period of three years from 01.09.2021 to 31.08.2024 @ Rs.22,000/- per month. It was stated by respondent No.1-plaintiff that he was suffering from diabetes and had undergone a heart surgery at Batra Hospital Delhi and was 74 years of age and required the premises for his bona-fide requirement. In the said petition, specific pleas were raised so as to constitute a cause of action. An application under Order 7 Rule 11 CPC was filed by the petitioners and the same was dismissed vide the impugned order dated 05.04.2025 and in the said order, it was observed that only the averments made in the plaint were required to be taken into consideration and there was no mention of any GPA stated to have been executed in favour of the present petitioner No.1 in the said plaint and thus, the same could not be taken into consideration. It was observed that a perusal of the plaint showed that cause of action existed in the present case. On a pointed query raised by this Court with

respect to the said GPA dated 04.02.2019 being valid as on date or not, learned counsel for the petitioners has fairly submitted that the said GPA has been cancelled on 13.01.2025.

5. The impugned order dated 05.04.2025 is legal and deserves to be upheld. It is a matter of settled law that at the time of deciding an application under Order 7 Rule 11 CPC, only the averments made in the plaint are required to be taken into consideration. A perusal of the averments made in the plaint/eviction petition would show that respondent No.1/landlord has raised pleas which constitute a valid cause of action. Whether he succeeds in the same or not is a matter of trial and is not to be considered at the time of deciding an application under Order 7 Rule 11 CPC. Moreover, defence of the petitioners is not to be seen at this stage. Even a perusal of the GPA dated 04.02.2019 relied upon by the counsel for the petitioner would show that petitioner No.1 has not become the owner of the property. At any rate, as has been fairly stated before this Court that the said GPA has also been cancelled. All the above-said aspects can at best be considered during the course of trial and the same would not constitute a ground for rejection of the plaint.

6. Keeping in view the above-said facts and circumstances, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly dismissed.

May 26, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
Yes