



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

114

CR-6126-2025

Date of decision :15.09.2025

PARAMJEET SINGH AND ANOTHER

... PETITIONER

VERSUS

KANWALJEET KAUR AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Atul Lakhanpal, Senior Advocate with  
Ms. Neha Lakhanpal, Advocate  
for the petitioners.

\*\*\*\*

**PARMOD GOYAL, J. (ORAL)**

1. The petitioners-defendants are aggrieved by the impugned order dated 24.07.2025 (Annexure P-6) passed by Civil Judge (Junior Division), Tohana, whereby their application under Order VII Rule 11 CPC read with Section 151 CPC for rejection of plaint was dismissed.

2. It is the case of the defendants that the present suit is not maintainable in view of the bar under Section 144 of the CPC. It is asserted that in the previous litigation between the parties, wherein the plaintiff–respondent had sought possession, no mesne profits were claimed, and therefore, the present suit for mesne profits is not maintainable

3. Admittedly, the present application was filed by the defendant at a belated stage, when the case was fixed for rebuttal evidence and final arguments. In view of the fact that both parties have already contested the suit and led their evidence, the application under Order VII Rule 11 CPC was liable to be dismissed



solely on the ground of delay and laches. The Court below ought not to have examined the merits of the application.

4. Accordingly, I do not find any reason to interfere with the final conclusion of the learned Court of first instance whereby the application under Order VII Rule 11 CPC was dismissed. However, the observations made by the learned Court shall not be taken into consideration, and the matter shall be finally decided on merits.

5. The legal argument raised on behalf of the present petitioner, that the suit is not maintainable under Section 144 CPC, being a pure question of law, shall be permitted to be raised and adjudicated at the time of the final decision of the case.

6. The application under Order VII Rule 11 CPC is dismissed not on merits but on the grounds of delay and laches. The legal issue regarding maintainability in view of Section 144 CPC shall be decided by the learned Court of first instance at the time of final adjudication.

7. Disposed of in above terms.

15.09.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No