



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.899 of 2025 (O&M)

Date of Order:17.02.2025

Major Singh

.Petitioner

Versus

Sukhdev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surinder Thakur, Advocate
for the petitioner.

ANIL KSHETARPAL, JUDGE (Oral)

1. The petitioner herein is defendant in a plaintiffs' suit for grant of decree of declaration that plaintiff nos.1 and 2 are owners in possession of suit property 'A' in equal share, whereas plaintiff nos.3 and 4 are owners in possession of property 'B', whereas plaintiff nos.4 and 5 are owners to the extent of 1/3 share in the property 'C' and exchange of the property is illegal.

2. The defendants filed an application for rejection of the plaint on the ground that the suit is not maintainable under Section 158 of the Punjab Land Revenue Act.

3. The trial court has dismissed the petitioner's application on the ground that the question of ownership is required to be decided as the plaintiffs have sought declaration that they are owners in possession of the property.

4. The learned counsel representing the petitioner submits that the plaintiffs have purchased undivided share in a joint property, hence, no



question of title is involved.

5. This court has considered the submissions of the learned counsel representing the petitioner.

6. The plaint can be rejected only if the grounds for rejection of the plaint as envisaged under Order VII Rule 11 CPC are made out. The rejection of the plaint at the threshold has a very serious consequence. The plaint can be rejected at the threshold by the court only if from the reading of the plaint, the suit is not maintainable. In this case, at this stage, it will not be appropriate to form any final opinion.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

February 17, 2025

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No