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2025:PHHC:134884



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

**CR-6849-2025**

**Date of decision:25.09.2025**

JATINDER KUMAR @ BANKA

...Petitioner

versus

JAVIYA GOEL

...Respondent

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

Present: Mr. Surinder Sharma, Advocate  
for petitioner.

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

1. Petitioner is aggrieved by impugned order dated 19.07.2025 (Annexure P/4) passed by Civil Judge (Junior Division), Jalandhar, Punjab. Vide impugned order dated 19.07.2025, application preferred by petitioner, who is a tenant, under Order 7 Rule 11 Civil Procedure Code, 1908 for rejection of petition was dismissed.

2. The only ground taken in application and in the petition is that plaintiff in present suit has no cause of action as she is not the owner of the property, which is in possession of the petitioner-tenant. On the other hand, the respondent-petitioner/ landlord claims herself to be owner and claiming that she has become owner vide sale deed 09.03.2020. In reply to application dated 01.02.2024, she admitted sale deed to be not registered with the Sub-Registrar. It is the case of petitioner that since respondent, who is claiming herself to be landlord, is admitting that sale deed in her favour was not registered, therefore, her title is not proved and hence she has no cause of action.

3. However, I do not find any merit in the contention raised by learned counsel for petitioner. The term 'landlord' is wider than term 'owner'. A person can be landlord without ownership or even with defective ownership. Therefore, it cannot be held that in the execution petition, the person claiming herself to be landlord has no cause of action merely, because she had admitted that sale deed in her favour is not registered. The issues being raised by petitioner are question of facts and can only be decided after evidence is led by both the sides. Order 7 Rule 11 is reproduced below:-

*"11. Rejection of plaint.— The plaint shall be rejected in the following cases:—*

*(a) where it does not disclose a cause of action;*

*(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;*

*(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;*

*(d) where the suit appears from the statement in the plaint to be barred by any law;*

*[(e) where it is not filed in duplicate;*

*(f) where the plaintiff fails to comply with the provisions of rule]*

*[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper shall not be extended unless the Court, for reasons to be recorded, is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite*

*stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff.]"*

4. None of the conditions stated above has been shown to be attracted in the facts of the present case. No case for rejection of plaint at this stage is made out.

5. Petition is without merit and accordingly dismissed.

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

**25.09.2025**  
Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>