



CR No. 5585 of 2025 (O&M) -1-

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5585 of 2025 (O&M)
DATE OF DECISION: 20.08.2025

BABA SURINDERJIT SINGH ALIAS BABA SURINDER JEET
SINGH AND OTHERS

.....PETITIONERS

Vs.

MUNICIPAL CORPORATION, PATIALA THROUGH ITS JOINT
COMMISSIONER, MUNICIPAL CORPORATION PATIALA,
DISTRICT PATIALA,

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Vikram Singh Punia & Ms. Yashasvi Rana, 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 07.07.2025 (Annexure P-4), passed by the learned Civil Judge (Senior Division), Patiala, whereby an application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short, '*the CPC*'), by the petitioners-defendants, has been dismissed.

2. Brief facts of the case are that the respondent-plaintiff, Municipal Corporation, Patiala, through its Joint Commissioner, has filed a suit for declaration to the effect that the respondent-plaintiff is the owner in possession of the suit property as detailed in the plaint, and has further sought a declaration to the effect that mutation entered and sanctioned at No. 297, dated 16.02.1977, as per '*Jamabandi*' for the year 1969-70, is illegal, null and void, having no binding effect upon the rights, title or



interest of the plaintiff. It is averred that the said mutation was wrongly got sanctioned by concealing true facts and, as such, the same is liable to be set aside.

2.1 The respondent-plaintiff has also sought the relief of permanent injunction, restraining the petitioner-defendants from alienating, transferring, or otherwise disposing of the suit property.

2.2 Notice of the suit was duly issued to the petitioner-defendants, who put in appearance before the learned Court. Thereafter, the petitioners-defendants filed an application dated 03.07.2024 (Annexure P-2) under Order VII Rule 11 CPC, seeking rejection of the plaint. However, the same was dismissed by the learned lower Court, vide order dated 07.07.2025 (Annexure P-4) which is the order under challenge.

3. Learned counsel for the petitioners has submitted that the legal issue involved in the present Civil Revision Petition pertains to the scope and ambit of Order VII Rule 11 clauses (a) and (d) of the CPC, specifically, whether lack of jurisdiction would fall within the ambit of Order VII Rule 11(a), and whether the consideration of the ground of limitation under Order VII Rule 11(d) can be taken up as a preliminary issue for the purpose of deciding an application for rejection of the plaint.

4. It is further submitted that the learned lower Court has erroneously held that the facts pleaded by the respondent-plaintiff are matter of evidence, which can be adjudicated only after both parties lead their respective evidence. It is also pointed out that in the suit filed by the respondent-plaintiff, Municipal Corporation, Patiala, in paragraph No. 9, it was pleaded that defendant No. 1-petitioner had applied for demarcation of



the suit property on 06.10.2022 before the Sub-Divisional Magistrate, Patiala. The respondent-plaintiff had sent a letter dated 12.12.2022 requesting postponement of the demarcation on the ground that no 'Revenue Patwari' was available in the office of the plaintiff. However, the learned 'Kanungo' did not postpone the proceedings and conducted the demarcation at the spot on 13.12.2022 in the presence of the defendants alone.

5. It is further submitted that since the respondent-Municipal Corporation itself admitted that the demarcation was carried out at the spot on 13.12.2022, it is estopped from resiling from the said demarcation report.

6. It is also submitted that all these aspects were not taken into consideration, as such the learned Court had erroneously dismissed the application for rejection of the plaint. It was further prayed that the order dated 07.07.2025 (Annexure P-4), passed by the learned Civil Judge (Senior Division), Patiala, be set aside.

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

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

9. After hearing the submissions of learned counsel for the petitioners, it emerges that the petitioners had filed an application for rejection of the plaint on the ground that the relief claimed by the Municipal Corporation is hopelessly time-barred and that the jurisdiction of



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the Civil Court is barred under Section 158 of the Punjab Land Revenue Act, 1887.

10. Keeping in view the aforesaid facts and circumstances, this Court is of the view that, at the stage of exercising power under Order VII Rule 11 CPC, the stand of the petitioners-defendants in the written statement or in the application for rejection of the plaint is wholly immaterial. The plaint can be rejected only if, *ex facie*, it does not disclose a cause of action or, on a reading thereof, the suit appears to be barred under any law.

11. Coming to the facts of the present case, as discussed above, the Municipal Corporation-respondent had filed a suit for declaration and permanent injunction. The pleas raised by the petitioners-defendants regarding the suit being time-barred and regarding lack of jurisdiction can be appropriately appreciated at the stage of leading evidence.

12. Thus, this Court finds no merit in the prayer for setting aside the order dated 07.07.2025 (Annexure P-4), passed by the learned Civil Judge (Senior Division), Patiala.

13. Finding no illegality in the order dated 07.07.2025 (Annexure P-4), the present revision petition, being devoid of merit, is accordingly dismissed.

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

AUGUST 20, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No