

Civ DJ No. 529/23

Ghansham Rai Arora & Anr. Vs. Dharmender Kumar

12.09.2023

Present: Sh. Pankaj Chawla, Ld. Counsel for the plaintiffs.

Sh. Amit Gaba, Ld. Counsel for the defendant.

Court Room of this Court has been changed from room no.156 to room no.307 w.e.f 31/08/2023.

Heard. Record perused.

WS as well as an application under Order 7 Rule 11 CPC and reply to the application under Order 39 Rule 1 and 2 CPC were filed by the defendant on 11/09/2023. Copy supplied only today.

Arguments on application under Order 7 Rule 11 CPC of the defendant heard.

I have perused the record carefully.

Contention of the Ld. Counsel for the defendant is that plaintiff is not the owner of the suit property as the property was never sold to him. It is also the contention of the Ld. Counsel for the defendant that the defendant is not the tenant of the plaintiff. It is further contended that the present case is bad for non-joinder of necessary party.

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The aforesaid contentions of the Ld. Counsel for the defendant are a matter of trial. The Court does not find the ground mentioned in the application sufficient to reject the plaint under Order 7 Rule 11 CPC. **The application under Order 7 Rule 11 CPC of the defendant is, accordingly, dismissed.**

Let replication, if any, be filed by the plaintiff within 20 working days with advance copy to the opposite counsel.

Now to come up for **arguments on the application under Order 39 Rule 1 and 2 CPC for 04/11/2023.**

(VRINDA KUMARI)
ADJ-07 (W) THC Courts
12.09.2023