

CNR No.	CIS Case No.	IA No.
PBJL02-005627-2023	CS-4497-2023	02/2025

Jasvir Kaur vs Harmol Singh.

Present: Shri Rajiv Kohli, Advocate for plaintiff.
Shri Vikas Sood, Advocate for defendant.

1. Vide this order, this Court is proposed to dispose off an application moved on behalf of defendant U/o 7 rule 11 CPC for dismissal of the suit.
2. Briefly, through the application, it has been stated that there is no cause of action whatsoever against the defendant for filing the present suit and defendant has no concern & right over the suit property. Present suit has been filed with malafide intention just to extract the money from the defendant. The defendant has never executed any sale deed in favour of plaintiff so he has no connection even with the plot in question. Lastly, the prayer has been made that the present application may be allowed.
3. Per contra, learned counsel for the plaintiff has opposed this application by filing reply and thereby denied the averments of application being wrong and incorrect. Lastly prayed for dismissal of the same.
4. I have heard the arguments raised by the learned counsel for the parties and have gone through the file with their able assistance.
5. The plaintiff has filed the present suit for permanent injunction against the defendant pleading therein that plot in question is in her

exclusive possession since the day of its purchase by her husband and the defendant who is residing opposite to said plot, has started interfering in the same and even he tried to take forcible possession thereof. It is further pleaded that the defendant is threatening to take forcible possession of suit property. It is well settled law that at this stage only the pleadings of the plaint are to be taken into consideration in order to adjudicate upon the claim of the defendant pertaining to rejection of the plaint. The plaintiff claims to be in possession over the suit land. I am of the considered opinion that the claim of the plaintiff cannot be rejected summarily at this stage. The dispute between the parties can only be adjudicated by way of a trial on the basis of the evidence to be led by the parties and the findings about the maintainability of the suit would be rendered after the trial on the basis of the evidence. It does not pertain to the rejection of the plaint under Order 7 Rule 11 CPC and there is no ground to reject the plaint at this stage. Therefore, the application is dismissed without expressing any opinion on the merits of the case.

Dated:-14.02.2025
Neeraj

(Jasvir Singh)
Civil Judge(SD)-NRI Court
Jalandhar(UID No. PB00282).