



2026:PHHC:041983



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

CR-3642-2024(O&M)
Reserved on: 03.02.2026
Pronounced on: 18.03.2026

Rajni Jain and others

... Petitioners

Versus

Pritam Chauhan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sapan Dhir, Advocate,
for the petitioners.

Mr. Ashish Aggarwal, Senior Advocate, with
Ms. Pooja Sareen, Advocate,
for respondent No.1.

VIKRAM AGGARWAL, J.

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 18.05.2024, passed by the Court of Civil Judge (Jr. Divn.), Gurugram, vide which the application filed by the petitioners/defendants No.1 to 8 (hereinafter referred to as '**the petitioners**') under Order VII Rule 11 CPC for rejection of the plaint was dismissed.

2. The respondent No.1/plaintiff-Pritam Chauhan (hereinafter referred to as '**the respondent**') instituted a suit (Annexure P-4) for declaration of the registered sale deeds dated 17.05.2013 (two sale deeds), 29.05.2013, 06.09.2013 and 13.01.2014, executed by the respondent in favour of the petitioners, as null and void, for, the sale consideration referred to in the said sale deeds had not been paid. Consequential relief of permanent injunction restraining the petitioners not to alienate, transfer,



mortgage or change the nature of the suit land was also sought. It was also prayed that the petitioners be restrained from receiving any enhanced amount of compensation on account of acquisition of the suit land.

3. The case set up was that the respondent was the absolute owner in physical possession of land measuring 2 kanals 13 marlas (fully described in the plaint), situated in the revenue estate of Village Sihi, Tehsil Manesar, District Gurugram. A long history was pleaded as regards the sequence of events, which led the respondent to execute certain sale deeds. Sale deeds pertaining to the petitioners and certain other defendants were referred to in paragraph 9 of the plaint, which reads as under:-

“9. That plaintiff executed many sale deeds in favour of Defendant no. 1 to 10 on behalf of defendant no. 11 to 15 on their assurance and promise. At the time of execution of the sale deeds when the plaintiff demanded the sale consideration then all defendant no. 1 to 10 assured that they will make the entire payment and also nominate defendant no. 13 and 14 being surety. The plaintiff executed the following sale deeds out of his land:-

(a) Sale Deed/Vasika No. 521 dated 17-05-2013 measuring 0 Kanai 7 Marla in Khewat/Khatta no. 95/102, Rect. No. 21, Killa no. 2 (8-0) 10/1 (5-16), and Rect. No. 22 Killa no. 6/1 (5-16), 7/1 (3-9), situated in the revenue estate of Village Sihi, Tehsil Manesar, Distt. Gurugram in favour of defendant no. 1 to 3 for a total sale consideration of Rs. 12,60,000/- which was mentioned in the sale deed paid in cheque and cash but not a single amount has been received by the plaintiff at the time of execution/registration of the sale deed. Copy of sale deed is Annexure-N.

(b) Sale Deed/Vasika No.522 dated 17-05-20-15 measuring 0 Kanai 11 Marla Khewat/Khatta no. 95/102, Rect. No. 21, Killa no. 2 (8-0) 10/1 (5-16), and Rect. No. 22 Killa no. 6/1 (5-16), 7/1 (3-9), situated in the revenue estate of Village Sihi, Tehsil Manesar, in favour of defendant no. 4 to 7 for a total sale consideration of Rs.20,04,000/- which was mentioned in



the sale deed paid by cheques but the not a single amount has been received by the plaintiff at the time of execution/registration of the sale deed. Copy of sale deed Annexure-0.

(c) Sale Deed/Vasika Nb. 610 dated 29-05-2013) measuring 0 Kanai 7 Marla Khewat/Khatta no. 95/ T02, Rect. No. 21, Killa no. 2 (8-0) 10/1 (5-16), and Rect. No. 22 Killa no. 6/1 (5-16), 7/1 (3-9), situated in the revenue estate of Village Sihi, Tehsil Manesar, in favour of defendant no. 8 for a total sale consideration of Rs. 12,60,000/- which was mentioned in the sale deed paid through Cash, 8s Cheque but not a single amount has been received by the plaintiff at the time of execution/registration of the sale deed and the plaintiff. Copy of sale deed is Annexure-P.

(d) Sale Deed/Vasika No. 1269 dated 06-09-2013 measuring 0 Kanal 7 Marla Khewat/Khatta no. 95/102, Rect. No. 21, Killa no. 2 (8-0) and Rect. No. 22 Killa no. 6/1 (5-16), 7/1 (3-9), situated in the revenue estate of Village Sihi, Tehsil Manesar, in favour of defendant no.9 for a total sale consideration of Rs. 13,71,500/- which was mentioned in the sale deed paid in through Cash, but not a single amount has been received by the plaintiff at the time of execution/registration of the sale deed. Copy of sale deed is Annexure-Q.

(e) Sale Deed/Vasika No. 2418 dated 13-01-2014 measuring 0 Kanai 11 Marla 1 Sarsai Khewat/Khatta no. 95/102, Rect. No. 21, Killa no. 2 (8-0) and Rect. No. 22 Killa no. 6/1 (5-16), 7/1 (3-9), situated in the revenue estate of Village Sihi, Tehsil Manesar, in favour of defendant no. 10 for a total sale consideration of Rs.21,84,000/- which was mentioned in the sale deed paid through Cash, RTGS & Cheque plaintiff received the amount of Rs.15,00,000/-dated 19-07-2013 through RTGS only and balance sale consideration of Rs.6,84,000/- has not been paid to the plaintiff till date. Copy of sale deed is Annexure-R.”

3.1. Reference to many other sale deeds was also made.



3.2 It was averred that the sale consideration had not been paid and whenever the respondent asked for the same, defendants No.11 to 15 put off the matter on one pretext or the other.

3.3 As regards the cause of action, the following averments were made in paragraph 27, which reads as under:-

“27. That the cause of action arose when defendants refused the genuine and lawful request of the plaintiff. The plaintiff also requested all the defendants to pay the amount of the sale consideration many times, but the defendants gave evasive replies on one pretext or the other and when the plaintiff demanded the amount at the time of execution of the sale deed for the year 2012-2016, but the defendants assured the plaintiff that they will make the payment shortly. The defendants also spent the time between 2017-2019 the defendant also filed a civil suit in the year 2019, but the defendants became dishonest in the month of May 2023 and refused to pay the amount of plaintiff and filed a criminal complaint against the plaintiff in May, 2023 and the plaintiff also filed the Criminal complaint against defendant no. 12 to 15 and other defendants no. 1 to 10 in the month of August, 2023 regarding the payment of the sale consideration of the plaintiff and profit But the defendants intentionally malafidely wants to grab the amount of sale consideration and profit of the plaintiff, cause of action arose on June, 2023 when the defendants filed the false and fictitious complaint before the Police Commissioner and shown the wrong payment details and lastly the cause of action arise in the month of August, 2023 when the plaintiff filed a criminal complaint against all the defendants. But no payment has been made by the defendants till date. Not it has also come in to the notice and knowledge of the plaintiff, that the defendants have started negotiate with some property dealers to sold out the suit land and in case the defendants succeed in their ill motive to sold out the suit land, then plaintiff shall suffer irreparable loss and injury which can not be compensated in any manner.



Hence the cause of action is still in existence till date.”

3.4 The following relief was, therefore, prayed for:-

“It is therefore respectfully prayed that a decree for declaration to the effect that:-

(a) That the Sale deed bearing vasika no. 521 dated 17-05-2013, vasika'no.522 dated 17-05-2013, vasika no. 610 dated 29-05-2013, Vasika No. 1269 dated 06-09-2013, 241.8 dated 13-01-2014, may kindly be declared as null and void and not binding against the right of the plaintiff.

(b) That-decree for permanent injunction restraining the defendant not to alienate, transfer, mortgage or change the nature of land to any third person during the pendency of the present suit.

(c) That it is further prayed that all revenue records obtained on behalf of the above sale deed may kindly be declared as null and void.

(d) That the defendants be restrained not to further alienate or transfer the suit property to any other persons without due process of law during pendency of the present suit.

(e) That it is further prayed that an ad-interim injunction thereby restraining the defendants to maintain status qua the suit property till decision of the suit property and not to interfere into the peaceful possession of the plaintiff on behalf of wrong entries coming in his favour.

(f) It is further prayed that the defendants may kindly be restrained not to receive any enhanced amount of compensation from the office of defendants No. 17 to 19 and further issue an order to the defendants No. 17 to 19 not to disburse any amount of enhancement of compensation in favour of the defendants No. 1 to 10.

(g) It is also prayed that an order was also issued to deposit the amount of compensation so received in the office of Defendant no. 17 to 19. After verification the



said amount may kindly be released in favour of the plaintiff.

(h) Any other order or relief as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case may kindly also be passed in favour of the plaintiff.”

4. An application (Annexure P-5) was moved under Order VII Rule 11 CPC by the petitioners seeking rejection of the plaint. It was averred that the petitioners had, vide different three sale deeds, purchased the suit land from the respondent after verifying the title and inspecting the revenue records. Pursuant to the sale deeds dated 17.05.2013 (two sale deeds) and 29.05.2013 (one sale deed), the suit land was transferred in the name of the petitioners.

4.1 It was averred that the entire sale consideration had been paid to Rakshak Welfare Housing Society and/or in the name of their assignee, who was the mediator in the said transactions between the petitioners and respondent. It was also averred that the entire payment had been made through cheques.

4.2 It was averred that the suit was hopelessly barred by limitation, as Article 59 of the Limitation Act provided a period of three years for filing such a suit for declaration.

4.3 It was also averred that the plaint did not disclose any cause of action.

5. The application was opposed by way of a reply (Annexure P-6), in which, it was reiterated that the respondent had not received even a single penny from the petitioners as regards the sale consideration.



5.1 A rejoinder (Annexure P-7) to the reply was filed, wherein the averments made in the application were reiterated.

6. Vide the impugned order dated 18.05.2024 (Annexure P-8), the said application was rejected, leading to the filing of the present revision petition.

7. Learned counsel for the parties were heard.

8. It was strenuously urged by Mr. Sapan Dhir, learned counsel representing the petitioners, that the trial Court had erred in dismissing the application for rejection of the plaint. It was submitted that the respondent remained sitting idle for a period of ten years before raising a dispute as regards non-receipt of the sale consideration. It was argued that it was totally unbelievable that someone, despite not having received the sale consideration, as was alleged in the plaint, would keep on sitting idle for a period of ten years. It was submitted that the entire payment had been made by way of cheques to Rakshak Welfare Housing Society. It was submitted that under the circumstances, the suit was barred by limitation.

8.1 It was submitted that such frivolous suits need to be thrown out at the threshold, as the intention behind such suits is to blackmail the other side and to drag the land in question into litigation. It was argued that the plaint, in fact, was the result of clever drafting and, upon a meaningful reading of the same, it clearly emerges that the same deserves to be rejected.

8.2 It was also argued that in the present case, keeping in view the stated facts, it cannot be said that limitation is a mixed question of law and facts. In support of his contentions, learned counsel placed reliance upon the decisions rendered by the Hon'ble Supreme Court of India in T.



Arivandandam v. T.V. Satyapal, 1977 AIR (SC) 2421; Raghwendra Sharan Singh v. Ram Prasanna Singh (Dead) by LRs., 2019 AIR (SC)1430; Pathupati Subba Reddy (Died) by L.Rs. & Ors. v. The Special Deputy Collector (LA), 2024(4) SCR 241; and Ramisetty Venkatanna & Anr. v. Nasyam Jamal Saheb & Ors., 2023(2) Law Herald (SC) 1005.

9. Per contra, Mr. Ashish Aggarwal, learned Senior counsel representing the respondent, submitted that there is no irregularity in the impugned order, warranting interference in revisional jurisdiction. It was argued that only eight defendants had instituted the application for rejection of the plaint. Learned Senior counsel submitted that the partial rejection of a plaint cannot be done and even if, for the sake of arguments, the case of the petitioners is accepted, the plaint cannot be rejected in its entirety since other sale deeds executed with other defendants are also involved. It was further submitted that apart from the relief of declaration, the relief of permanent injunction had also been sought and, therefore, the plaint could not have been rejected by invoking the provisions of Order VII Rule 11 CPC. Learned Senior counsel submitted that, at best, a preliminary issue can be framed as regards limitation, and the same can be decided as per law. In support of his contentions, learned Senior counsel placed reliance upon the decisions rendered by the Hon'ble Supreme Court of India in Kum. Geetha, D/o Late Krishna & Ors. v. Nanjundaswamy & Ors., 2023 AIR SC 5516; Kulabandhu Ram Adarsh Sharma v. Nam Estates Private Limited and Anr. [CA-11413-2025, decided on 02.09.2025 (LFID: 2789332)]; Babasaheb Ramdas Shirole & Ors. v. Rohit Enterprises & Ors., 2026(1)



RCR (Civil) 60; Sri Boyenepally Srijayavardhan v. V. Nirupama Reddy & Ors. [CA-9904-2025, decided on 29.07.2025 (LFID: 27770460)], and this Court in Baljeet and others v. Prem Chand and others, 2025(2) RCR (Civil) 591; Jagbir Singh v. Roshni and others, 2025(2) RCR (Civil) 625.

10. I have considered the submissions made by learned counsel for the parties.

11. Before adverting to the merits of the case, it would be apposite to examine the principles that are required to be kept in mind while dealing with an application moved under Order VII Rule 11 CPC. It is well settled that for the purpose of deciding an application for the rejection of plaint, only the contents of the plaint as also the documents annexed thereto are to be looked into, and the material produced by the parties, be it in the application for rejection of the plaint or in reply thereto is not to be considered. Reference in this regard can be made to the judgment of Hon'ble Apex Court in the case of **Kuldeep Singh Pathania v. Bikram Singh Jaryal, 2017 AIR SC 593.**

12. As regards the issue of limitation, the law is well settled that limitation is not a pure question of law and, therefore, unless, a plaint, on the face of it, is barred by limitation, it should not be rejected at the threshold on the ground of limitation. While taking such a view, the Hon'ble Apex Court in ***Kulabandhu Ram Adarsh Sharma's case (supra)***, held that limitation is a mixed question of law and facts, and that normally an application under Order VII Rule 11 CPC should not be dismissed on the ground of limitation, especially when the trial Court has taken a view and has dismissed the same. In ***Babasaheb Ramdas Shirole & Ors.'s case (supra)*** also, the Hon'ble



Apex Court held that limitation is a mixed question of law and facts, and unless the same is patently and unequivocally clear, it cannot form a ground under Order VII Rule 11 CPC for non-suiting the plaintiff:-

“7. As regards the first aspect, it is well settled that limitation is a mixed question of law and fact and unless the same is patently and unequivocally clear, it cannot form a ground under Order VII Rule 11 of the CPC for non-suiting a plaintiff. In the case on hand, perusal of the plaint indicates that the plaintiffs claimed that the cause of action arose in October 2023, when defendant No. 1 started quarrelling with them for the first time, showing his true colors by trying to grab the suit properties and interfering with their peaceful possession over the same.”

13. In the case of C.S. Ramaswamy v. V.K. Senthil and others, 2022(4) RCR (Civil) 426, the Hon’ble Apex Court had upheld the rejection of a plaint on the ground of limitation holding that the plaintiffs cannot be permitted to bring suits within the period of limitation by clever drafting, which otherwise are barred by limitation. A view was taken that if the suit, on the face of it, from the averments of the plaint, appears to be barred by limitation, the same was not required to be continued only on the ground that limitation was not a pure question of law. The view, which, therefore, emerges is that normally limitation being a mixed question of law and facts, a plaint should not be rejected on the ground of limitation unless the plaint, on the face of it, appears to be barred by limitation.

14. In the case of *Kum. Geetha. D/o Late Krishna & Ors.’ s case (supra)*, it was held that the plaint cannot be rejected in part:-



“11. There is yet another reason why the judgment of the High Court is not sustainable. In an application under Order VII Rule 11, CPC a plaint cannot be rejected in part. This principle is well established and has been continuously followed since the 1936 decision in *Maqsud Ahmad v. Mathra Datt & Co* AIR 1936 Lahore 1021. This principle is also explained in a recent decision of this Court in *Sejal Glass Ltd. v. Navilan Merchants (P) Ltd*, (2018) 11 SCC 780 which was again followed in *Madhav Prasad Aggarwal v. Axis Bank Ltd*. (2019) 7 SCC 158. The relevant portion of *Madhav Prasad* (supra) is extracted hereinunder:

10. We do not deem it necessary to elaborate on all other arguments as we are inclined to accept the objection of the appellant(s) that the relief of rejection of plaint in exercise of powers under Order 7 Rule 11 (d) CPC cannot be pursued only in respect of one of the defendant(s). In other words, the plaint has to be rejected as a whole or not at all, in exercise of power under Order 7 Rule 11 (d) CPC. Indeed, the learned Single Judge rejected this objection raised by the appellant(s) by relying on the decision of the Division Bench of the same High Court. However, we find that the decision of this Court in *Sejal Glass Ltd. [Sejal Glass Ltd. v. Navilan Merchants (P) Ltd., (2018) 11 SCC 780: (2018) 5 SCC (Civ) 256]* is directly on the point. In that case, an application was filed by the defendant(s) under Order 7 Rule 11 (d) CPC stating that the plaint disclosed no cause of action. The civil court held that the plaint is to be bifurcated as it did not disclose any cause of action against the Director's Defendant(s) 2 to 4 therein. On that basis, the High Court had opined that the suit can continue against Defendant 1 company alone. The question considered by this Court was whether such a course is open to the civil court in exercise of powers under Order 7 Rule 11 (d) CPC. The Court answered the said question in the negative by adverting to several decisions on the point which had consistently held that the plaint can and other plaintiffs to have patience as lot of documents and revenue entries have to be updated before dividing the suit schedule properties and give separate possession to each sharers including plaintiffs.”



15. A similar view was taken by the Hon'ble Apex Court in *Sri Boyenepally Srijayavardhan's case (supra)*.

16. Reverting to the facts of the case, no doubt, the sale deeds in question were executed more than ten years' prior to the institution of the suit. Having read the plaint over and over again, it emerges that facts are intertwined and intermingled. Challenge has been led not only to the sale deeds executed by the petitioners but also by certain other defendants. Even if, for the sake of arguments, we accept the case of the petitioners, the plaint cannot be rejected, as apart from the sale deeds executed in favour of the petitioners, there are certain other sale deeds executed in favour of the other defendants. These defendants, viz. defendants No.9 to 14, have not filed any application for rejection of the plaint. Still further, apart from the relief of declaration, the relief of permanent injunction was also sought. No doubt, it was a consequential relief but, at the same time, many things have to be considered for the said prayer as well. Upon a reading of the plaint, at the first blush, it does appear that the respondent is trying to blackmail the petitioners but, if one considers the matter from all angles, it emerges that it is not a case where the respondent can be non-suited at the threshold.

17. I have gone through the judgments relied upon by learned counsel for the parties. The judgments referred to by learned counsel for the petitioners deal with law as regards the rejection of a plaint and where the plaint had been rejected on the ground of limitation. However, the same had been done in the peculiar facts of those cases. Under the circumstances, the said judgments would not come to the aid of the petitioners.



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18. Consequently, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

19. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

March 18, 2026

Rajan

Uploaded on: 18.03.2026

Whether speaking / reasoned:	Yes
Whether Reportable:	Yes