

CIVIL JUDGE CLASS-III, LAHORE

Feroz Ud Din Ahmad Vs Rabia Younas etc.

APPLICATION UNDER ORDER VII RULE 11 CPC

ORDER

Present: Learned counsel for the parties.

- 1- Through this order intend to dispose off an application under order VII rule 11 of CPC.
- 2- Through subject matter application the petitioners have sought rejection of plaint. In order to elucidate their version, it is contended by petitioners through instant application that plaintiff is defaulter tenant and he not paid rent of suit property last 09 to 10 months as well as he is default as this time appox. Rs. 3,30,000/- That petitioners further contended that said matter is purely dealt would be according to Punjab Rented Premises Act 2009 before rent tribunal, so, they prayed that suit be dismissed. Petitioners/defendants further contended that suit is, not maintainable and plaintiff has not cause of action and locus standi to file the instant suit. They prayed that application under order VII rule 11 of CPC be accepted and plaint be rejected.
- 3- The respondent/plaintiff resisted instant application by way of filing written reply and prayed for its dismissal.
- 4- Arguments heard. Record perused.
- 5- Perusal of record it transpires that respondent/plaintiff has filed a suit for permanent injunction but stance of the

petitioners/defendants is that respondent/plaintiff has no cause of action and locus standi to file the suit therefore, it be rejected under order VII rule 11 CPC. On the other hand respondent/plaintiff filed his written reply in which he vehemently denied the contention of the petitioners/defendants. Record further transpired defendants/petitioners produce copy of judgment of the Rent Tribunal in which ejection petition has been accepted against plaintiff vide order dated 14.07.2017. So, plaintiff/respondent has left no cause of action against defendants/petitioners. Therefore, application under order VII rule 11 of CPC is hereby accepted and plaint of the plaintiff is hereby rejected under order VII rule 11 (a) of CPC. No order as to cost. Decree Sheets be drawn up. Ahlmad of this court namely (Muhammad Imran) is directed to consign the file to the record room after is due compilation and completion

Announced:

Civil Judge, Class-III, Lahore.

Certificate:

It is certified that this order consists of two (02) pages and each page of this order is dictated, read over, corrected and duly signed by me.

Announced:

Civil Judge, Class-III Lahore