

IN THE COURT OF CIVIL JUDGE (S.D), GOGARI, KHAGARIA
PRESENT PRESIDING OFFICER SH. SUMIT KUMAR SINGH
TITLE SUIT NO. 48 OF 2020

IN THE MATTER OF:

SANJEEV JAISWAL & ANR.

...PLAINTIFFS

VERSUS

LAL KUMAR CHAUDHARY & ORS.

...DEFENDANTS

ORDER
21.03.2023

Present application dated 23.02.2023 has been filed by the defendants for rejection of plaint under Order 7 Rule 11 CPC. It has been contended that the plaintiffs have not disclosed as to when the cause of action for this suit arose in their favor. Hence, on this ground alone the application has been filed for rejection of plaint. It is the case of defendants that the plaintiffs have filed the present suit for declaration of their title over the suit land and for recovery of possession. However, there is nothing in the plaint to show when the cause of action arose for the plaintiffs to file the suit.

On the other hand plaintiffs have objected the present application on the ground that they have got the cause of action only when the defendants have dispossessed them from the suit land on 23.01.2019. Thus, the present suit has been filed for declaration of title and recovery of possession. It was contended that the cause of action has been fully described in the plaint.

Heard ld. Counsel for the parties and perused the record. While considering the application for rejection of plaint on the ground of non-disclosure of cause of action, this Court is required to examine the plaint only and no other material is required to be examined. Now from perusal of the plaint it appears that the parties are at variance with respect to the ownership of the suit land. In addition to this plaintiffs have also alleged that the defendant have dispossessed them from the suit land on 23.01.2019. As such the suit has been filed for declaration of title and recovery of possession. Hence, it is clear that the cause of action has been fully described in the plaint. Since the cause of action has been fully described in the plaint the same is not required to be rejected. Application is therefore dismissed. Defendants are directed to file their written-statement before the next date of hearing.

List the matter on 23.05.2023.

Civil Judge (SD)