

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

DATE	ORDER	REMARKS
05.01.2026	Case called out. Attendance has been filed by the both the sides. Today this Record is fixed for the hearing and order for petition dated 19.06.2019 filed by Defendant No. 4 under order-7 Rule-11 of CPC. The petitioner defendant no. 4 has filed the petition under order-7 Rule-11 of CPC on dated 19.06.2019. The Rejoinder of the same was filed by the plaintiff on dated 08.09.2023 . Heard the Ld. Counsel of both sides and perused the petition. Defendant No. 4 Petition read as Follow:-The Plaintiff filed the present suit, which was admitted by this Hon'ble Court on 10.07.2015 and summons were issued to the defendants for their appearance. Defendant No. 4 appeared and filed his written statement on 02.08. 2016, which was accepted by the court. Under Order 7 Rule 11(a) of the CPC, it is clearly stated that a plaint shall be rejected where it does not disclose a cause of action. From review of this plaint shows that no cause of action is evident. Because no cause of action is clear, Defendant No. 4 cannot be made a party to this suit. This suit falls entirely under the jurisdiction of the Revenue Court. The plaintiff has only sought relief to declare the order of the Additional Collector dated 16.02.2015, as illegal and without	

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	jurisdiction. Therefore, the suit is liable to be dismissed without trial. If look at para 4 of the plaintiff's complaint shows his claims are entirely false. The plaintiff's claim that Dev Narayan Lal had long-standing possession of the disputed land and was granted a Basgit Parcha under the Bihar Privileged Persons Homestead Tenancy Act (Case No. 747/4/1969-70) is incorrect. The reality is that there is no record of such a document at the Anchal (Block) Office, Narkatiaganj. The Additional Collector of Bettiah, via letter no. 384 dated September 17, 2014, reported that no such records exist. It was further noted that Jamabandi No. 472 in the name of Dev Narayan Lal was created fraudulently by a local employee (Halka Karmachari) without the Circle Officer's order and without a signature. That the plaintiff's claims are entirely fabricated. No Basgit Parcha was ever issued to the plaintiff, nor was any case filed for it. This is confirmed by the fact that the plaintiff does not possess the original Parcha. No cause of action arises from the plaint filed by the plaintiff. For this reason, the plaint is fit to be rejected. Since no cause of action is disclosed, Defendant No. 4 cannot be kept as a party. Hence, the suit is liable to be dismissed. Plaintiff Submission as per their Rejoinder:- The petition filed by the Defendant no. 4 under Order 7 Rule 11 is not maintainable and deserves to be dismissed. The para 1 of the petition filed by defendant is correct. The suit was admitted on 10.07.2015 and summons were issued. The para no. 2 of the defendant petition is true. The Defendant appeared and filed his written statement on	
--------------------------------	---	--

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	August 2, 2016. Regarding para 3 of the while the law correctly states that a plaint without a "cause of action" should be rejected, the claim of defendant that this plaint lacks a cause of action is false and misleading. From review of Para 16 of the suit makes it clear that in 2011, the second party (the defendants) began claiming the disputed land and tried to evict the Plaintiff. Following this, Case No. 461/2013-14 regarding Jamabandi correction was filed before the A.D.M, Bettiah. These events constitute the "cause of action" for this suit. Para 5 of the defendant petition is entirely false. The burden of proving these claims lies with the Defendant, and this can only be determined during a full trial, not at this preliminary stage. Para 6 is also incorrect. The claim that the Plaintiff's suit is fictitious or that no Basgit Parcha was issued is false. The Plaintiff has relevant documents concerning the land, which have already been submitted to the record. The burden of proving the facts remains on the first party (Plaintiff). The defendants attempted to evict the Plaintiff based on a false case, and the first party (Revenue authorities) passed an illegal order. Distressed by this, the Plaintiff has approached this Hon'ble Court, making all necessary individuals parties to the suit. The replies to para 7 and 8 of the petition have already been clarified above. The case is currently at the evidence stage. Meanwhile, Defendant No. 4 has filed this petition with the sole intention of entangling and complicating the suit. Plaintiff has a valid cause of action to fight this case, as detailed in Para 16 of the plaint. Hence, prayed that the petition filed by the Defendant dated 19.07.2019, be dismissed with	
--------------------------------	--	--

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	costs. Order-7 Rule-11 CPC , 1908 provides for “ Rejection of Plaintiff”. It says that plaintiff shall be Rejected in the following 6 grounds :- i. Where it does not disclose a cause of action . ii. Where the Relief claimed is undervalued and the plaintiff on being required by the court to correctly the valuation within a time to be fixed by the court, fails to do so. iii. Where the relief claimed is properly valued but the plaintiff is written upon paper insufficiently stamped, and the plaintiff, on being required by the court to supply the requisite stamp-paper with in time to be fixed by the court, fails to do so. iv. Where the suits appears from the statement in the plaintiff to be barred by any law. v. Where it is not filed in duplicate. vi. Where the plaintiff fails to comply with the provision of rule-9. Heard the Submission of the both the counsel on their petition and Rejoinder. Perused the Record upon the perusal it appears that plaintiff has filed this suit for claiming that plaintiff is holding the land as raiyat and order passed by the ADM, 16.02.2015 is illegal and without jurisdiction.	
--------------------------------	---	--

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	I have perused the plaint of the plaintiff, The cause of action for brining the suit has been disclose in the para-16 of the plaint that cause of action arose to the plaintiff when the defendant second party started claiming the suit land in the year 2011 and thereafter on several occasion defendant second party tried to dispossess the plaintiff from the suit land and after failing defendant second party file Jamabandi rectification case no. 461/13-14 and the order passed on 16.02.2015 by the A.D.M, West Champaran, Bettiah within the jurisdiction of this court. The Hon'ble Supreme court in case of P.V Guru Raj Reddy &Anr. Vs. P.Neeradha Ready & Ors AIR (2015)8 SCC 331 has held that rejection of plaint under order-7 Rule-11 of the CPC is a drastic power conferred in the court to terminate a civil action at the threshold. The condition precedent to the exercise the power under order-7 R-11 , therefore are stringent and have been consistently held to be so by the court. It is the averment in the plaint that has to be read as a whole to find out whether it discloses a cause of action or whether the suit is barred under any law . At the stage of Exercise of power under order -7 R-11 , the stands of the Defendants in written statement or in Application for rejection of plaint is wholly immaterial. It is only if the averments in the plaint ex-facie do not disclose a cause of action or on a reading thereof the suit appears to be barred under any law the plaint can be rejected. In all other situations , the claims will have to be adjudicated in the course of the trail.	
--------------------------------	---	--

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	Similarly, Hon'ble apex court reported in case Prem Lala Nahata & Anr Vs. Chandi Prasad Sikaria AIR 2007 SCC 1247 has held that Defect of Mis-joinder of parties and causes of action is not a ground for Rejection of plaint under o-7 R-11 (d).assuming it is barred by any law. Thus , Mis-joinder or Non-joinder of parties to the suit /dispute is a procedural Defect and for the same the suit can't be said to be not maintainable and liable to be Rejected under Order-7 R-11(d). The Hon'ble apex court in case of K.Akbar Ali Vs. K.Umar Khan & ors. 2021 (5) supreme 130: 2021 AIR (SC) 1114 has held that Order-7 Rule-11 - Rejection of plaint – Cause of Action – Clever Drafting Creating Illusion of Cause of action are not permitted in law and a clear right to sue should be shown in the plaint - Similarly , Court must see that bar in law of suit is not Camouflaged by devious and clever drafting of plaint . while considering application under order -7 R-11 of CPC , question before court is whether plaint discloses any cause of action or whether suit is barred by any law , on face of averment contained in the plaint itself. While considering application under order-7 R-11, court is not to look into strength or weakness of the case of the plaintiff or Defence raised by the Defendant. Application under Order-7 R-11 of CPC for Rejection of plaint requires a meaningful reading of the plaint as a whole. provision of order-7 R-11 are not Exhaustive , court has inherent power to see that Frivolous or Vexatious Litigation are not allowed to consume the time of the court .	
--------------------------------	--	--

IN THE COURT OF SANJEEV KUMAR, MUNSIF, NARKATIAGANJ,

WEST CHAMPARAN

T.S NO- 193/2015

CIS No.- TS 639/2018

KANHIYA LAL.....PLAINTIFF

Vs

THE STATE OF BIHAR & OTHERS.....DEFENDANTS

Continue 05.01.2026	On the perusal of the plaint and Petition and Rejoinder from both the side and with reference to above discussed case law, I did not find any Defect and Plaintiff having valid cause of action on the basis of their possession and also it did not appear to be result of Clever drafting of the plaint which attract the grounds of the Order-7 Rule-11 of the CPC 1908. Thus, I find no merit in the petition of the defendant no. 4 Thus, the petition of the Defendant dated 19.06.2019 under order-7 Rule-11 of CPC stand dismissed. Put up on dated 27.02.2026 for further proceeding. MUNSIF NARKATIAGANJ	
--------------------------------	--	--