

05.08.2024

Present: Ld. counsel for plaintiff through VC.
Ld. counsel for defendant with defendant.

Plaintiff waives his right to file reply to the application u/O VII Rule 11 CPC moved by defendant. With consent of parties, arguments on application u/O VII Rule 11 CPC heard.

It is the case of defendant that since plaintiff is claiming title on the basis of GPA, agreement to sell etc and such documents do not confer any title on the party setting up his case, therefore, the plaint should be rejected. It is also the case of defendant that the plaintiff's suit is under valued.

Per contra, counsel for plaintiff argued that he is relying upon a long chain of documents starting some time from 1986 and thus, the present plaint cannot be rejected at this stage. It is also his case that he has properly valued his suit. He prayed for dismissal of the application.

It is settled law that while deciding an application u/O VII Rule 11 CPC, only plaint along with documents annexed thereto are to be read. Plaintiff has relied upon a long chain of documents between some time from 1986 and thus, it shall require trial as to whether the said chain show any genuine transaction between the parties thereto so that it can be said that plaintiff has a better title than the defendant. Again, with respect to the argument of valuation, plaintiff appears to have properly valued his various reliefs in para 26/27 of his plaint and paid court fees thereupon.

If the said valuation is incorrect, the same shall require trial and therefore, at least at this stage, the plaint cannot be rejected. Thus, the present application is without any merit. It is dismissed.

To come up for filing of replication, if any, admission/denial and framing of issues on 19.09.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
05.08.2024