

06.11.2025

Present: None.

File is taken up for orders on application under Order 7 Rule 11 CPC filed by the defendant thereby praying for rejection of the plaint filed by the plaintiff.

ORDER

1. Arguments have already been heard. Record is perused carefully.
2. The plaint is prayed to be rejected on following two grounds.
 - (i) It has not been verified properly in compliance of Order 6 Rule 15 CPC.
 - (ii) Predecessor in interest of the parties was merely a licensee and the interest in property on the basis of licence cannot be partitioned.
3. On the other hand, this application is contested on behalf of the plaintiff and it is stated that it was only initially a temporary allotment was made but thereafter it was regularised.
4. Record shows that it is specifically pleaded by the plaintiff in para No.2 of the plaint that the father of the parties to the suit was the owner and in possession of the suit property. It is nowhere pleaded by the plaintiff that the property was held by their father in the capacity of the licensee. Hence, the title of the their father as licensee and its temporary status whereby the property could not be partitioned, could

not be read from pleadings and it is nothing but a defence which cannot be considered being not relevant for the disposal of this application. Hence the plaint cannot be rejected on this very ground. Not only this, improper verification is only an irregularity which can be corrected.

5. **Hence, in view of the above discussion, the application in hand is held meritless and same is dismissed.**

Now, put up for completion of pleadings and arguments on application under Order 39 Rule 1 and 2 CPC on **23.03.2026**.

(Aanchal)
District Judge-03, North District,
Rohini Courts, Delhi
06.11.2025 amt