

CS DJ No. 175/2026
Neelam Sharma & Anr. vs Ram Bilas Swammi

28.04.2026

Present: Sh. Umang Mahindra and Sh.Akshit Navaney, Ld.
Counsels for plaintiff along with plaintiff no.1 in
person.

Sh. Arvind Kumar, Ms.Sneha Upadhyay and
Sh.Kush Malik, Ld. Counsels for defendant

Sh. Pramod Yadav, Senior Assistant/ Record
Keeper, Sub-Registrar, Kashmere Gate, Central.

There is an application filed on behalf of defendant under Order 7 Rule 11 read with Section 151 CPC raising the contentions that suit filed by the plaintiffs is misconceived and premature and devoid of any cause of action. The issues about the jurisdiction of this court and the suit being barred by law of limitation have also been raised. The agreement to sell in question dated 13.02.2023 is stated to be inequitable, legally deficient and incapable of enforcement. The objection as to the valuation of the suit have also been taken. The maintainability of the suit is questioned on the basis of cause of action.

I have gone through the contents of the application, heard counsels for both the sides and also examined the contents of the plaint whereby suit has been filed by the plaintiffs seeking

the relief of Specific Performance of agreement to sell dated 13.02.2023 and the relief of permanent and mandatory injunction.

As per settled legal position, a plaint can be rejected on the grounds mentioned under Order 7 Rule 11 CPC. However, for the purposes of rejection of plaint, only the contents of the plaint are to be examined. The court cannot go into the written statement taken in defence nor the pleas taken by the defendant in defence can be considered while considering the issue of rejection of plaint. Reliance is placed upon the judgment of Hon'ble Supreme Court in the case title **Chhotanben Vs Kirtibhai Jaikrushnabhai Thakkar, (2018) 6 SCC422 and Saleem Bhai Vs. State of Maharashtra, (2003) 1 SCC 557** wherein it has been observed that only the averments in the plaint, and not the averments of the written statement, can be seen at the stage of deciding application under Order 7 Rule 11 CPC.

On reading of the plaint of the present case, I find that there is sufficient cause of action with the plaintiffs to bring the present suit. The issues raised by the defendant with respect to jurisdiction, limitation, valuation and maintainability can be pleaded by written statement and would be considered at the appropriate stage as they involve mixed questions of law and facts.

On plain reading of the plaint, there seems no ground to reject the plaint. Accordingly, application under Order 7 Rule 11 CPC is dismissed having no merit or substance.

Written statement has already been filed on record on behalf of defendant.

Let the matter be fixed for replication and framing of issues on the next date.

On the previous date, both the parties were directed to maintain status quo as on date with respect to suit property. Today reply/ written statement has been forwarded on behalf of Sub-Registrar-I, Kashmere Gate, Delhi as to the registration of the suit property in favour of subsequent purchaser Sh.Dev Raj Aggarwal. It is stated that registration process is still incomplete. Accordingly, sub-registrar is directed not to complete the registration process till further orders from this court. The parties to maintain status-quo as to third party interest in the suit property.

Be listed on 01.06.2026.

Copy of this order be given dasti to Sh. Pramod Yadav, Senior Assistant/ Record Keeper, Sub-Registrar, Kashmere Gate, Central (who has attended the court on behalf of Sub-Registrar, Kashmere Gate) for compliance.

(Anju Bajaj Chandna)
Principal District & Sessions Judge (Central)
Delhi/28.04.2026