CS DJ 906/2025
MATA SHANTI DEVI MANDIR TRUST Vs. SEEMA GUPTA

19.03.2026

Present: Sh. Vibhor Gupta, Ld. Counsel for Plaintiff through VC.
Sh. Anmol Sharma, Ld. Counsel for defendant through VC.
Defendant in person.

1. By way of present application, I shall decide the application u/o 7 rule 11 CPC filed on behalf of defendant.

2. **Brief facts of the Plaint for deciding application under Order 7 rule 11 CPC.**

2.1 It is averred in the plaint that the Plaintiff, Mata Shanti Devi Trust, is a public charitable trust established on 19.06.1998 by Late Smt. Shanti Devi for advancing spiritual and humanitarian objectives, with a strict prohibition on profit-making activities. It is further averred that Late Smt. Shanti Devi, a revered spiritual figure who remained unmarried and childless, dedicated her life to public service and acquired certain immovable properties, including the subject property at Rana Pratap Bagh, Delhi, and another property at Vrindavan. It is averred in the plaint that during her lifetime, she irrevocably dedicated these properties to the Plaintiff Trust through duly executed Trust Deeds, thereby vesting beneficial ownership in the Trust for perpetual charitable use and for maintaining the Ashram.

2.2. It is averred in the plaint that Late Smt. Shanti Devi resided in the subject property until her demise around the year 2000. During her lifetime and thereafter, one Shri Jagdish

Contd/-

RAKESH KUMAR Digitally signed by RAKESH KUMAR Date: 2026.03.19 17:36:16 +0530

Chandra Arora acted merely as a caretaker of the Ashram and was permitted to occupy a portion of the property in that capacity. After his demise around 2020, the Defendant, Smt. Seema Gupta, who was engaged only as a caretaker to assist Shri Jagdish Chandra and the Ashram, continued to occupy a portion of the property purely on a permissive basis, while the remaining portion has always remained in possession of the Plaintiff Trust for religious purposes.

2.3. It is further averred in the plaint that the dispute has arisen as the Defendant, without any ownership rights, has wrongfully retained title documents of the subject property and is attempting to sell and alienate the same in collusion with third parties, claiming ownership on the basis of an alleged Will purportedly executed by Late Shri Jagdish Chandra Arora. It is further averred that the Plaintiff categorically challenges the said Will as forged, fabricated, and void ab initio, asserting that Shri Jagdish Chandra had no title or authority to bequeath the property, being only a caretaker in a fiduciary capacity.

2.4 It is further averred by the plaintiff in the plaint that the subject property is a public religious and charitable property, being an Ashram and temple, and thus cannot be alienated without statutory sanction. Even otherwise, the contents of the alleged Will itself restrict any transfer of the Ashram portion, thereby negating the Defendant's claim of ownership. The Defendant has also violated her fiduciary obligations by operating an unauthorized commercial shop from the premises and by interfering with the religious character of the property, including removal of a deity statue and destruction of a tree.

Contd/-

2.5 It is further averred that the cause of action arose from the execution of the Trust Deed in 1998, the demise of the settlor and caretaker, and subsequently from the Defendant's illegal acts, including interference with the property, misuse, and attempts to alienate the same. The cause of action is continuous in nature due to ongoing illegal activities, including unauthorized construction and commercial use.

2.6 It is averred by the plaintiff in the plaint that plainitt is in possession of the property and that the balance of convenience lies in its favour, as the property is dedicated to public religious use, whereas the Defendant has only a limited, permissive right. Irreparable harm would be caused if the Defendant is not restrained.

2.7 It is prayed by the plaintiff to pass a decree of declaration declaring the Plaintiff, Smt. Mata Shanti Devi Trust, as the lawful and beneficial owner of the Subject Property, House No. 20/4 Block- A, Rana Pratap Bagh, Malkaganj North, Delhi.

2.8. It is further prayed to pass a decree of cancellation adjudicating and cancelling the purported "Deed of Will" executed by Late Sh. Jagdish Chandra Arora (S/o Late Ram Chandra Arora) concerning the Subject Property, declaring the same to be fraudulent, illegal, and null and void ab initio.

2.9 It is further prayed to pass a decree of permanent injunction, permanently restraining the Defendant, Smt. Seema Gupta, along with her agents, assignees, or anyone acting on their behalf, from in any manner selling, transferring, alienating, encumbering, or disposing of the Subject Property.

2.10 It is further prayed to pass a decree of mandatory

Contd/-

injunction directing the Defendant to immediately cease and remove the unauthorized commercial activity (the shop) currently being operated from the Subject Property, and further directing them to vacate the portion of the premises not explicitly designated as the Shree Shanti Kunj Ashram and hand over possession to the Plaintiff Trust along with trust deed.

FACTS OF THE APPLICATION U/O 7 RULE 11 CPC FILED BY THE DEFENDANT.

3. It is submitted by defendant on application u/o 7 rule 11 CPC that the plaint filed by the Plaintiff is liable to be rejected under the provisions of Order VII Rule 11 CPC with exemplary costs, in as much as there is clear attempt of the Plaintiff not only to mislead this Court but also filing of the present plaint is a fraud, which is being perpetuated to usurp the valuable rights of the Defendant in the property bearing House No. 20/4, Block-A, Rana Pratap Bagh, Malka Ganj, North Delhi-110007.

3.1 It is further submitted that the present suit has been instituted by Mata Shanti Devi Mandir Trust. Without prejudice to the submission that a trust is not a legal entity, the first fraud which is being perpetuated is that the Plaintiff while filing the suit on behalf of Mata Shanti Devi Mandir Trust has relied upon a Trust Deed of one Shripriya Nikunj (Mata Shanti Devi) Trust. The suit has been instituted by one Shri Prem Kumar Bareja, who claims himself to be the Trustee of Mata Shanti Devi Mandir Trust.

3.2 It is further submitted that without prejudice to the above, even the Trust Deed which has been filed on record being of Shripriya Nikunj (Mata Shanti Devi) Trust, has no right, title

Contd/-

or interest in the subject property and neither the said trust was created and/or property vested with the trustees named in the said trust to have any connection direct or indirect with the subject property. Besides other reasons spelled out in the present application hereinafter, the plaint is to be rejected with exemplary costs on these submissions alone as the plaint does not disclose any cause of action to maintain the present suit.

3.3 It is further submitted by the defendant that reading of the plaint would demonstrate that the suit has been filed seeking relief in respect of the subject property. Bare reading of the plaint would demonstrate that the Plaintiff has no right, title or interest in the subject property. The suit instituted is vexatious and has been instituted only to blackmail Defendant, who is lawful owner of the subject property. Without prejudice to the submission that Plaintiff is not even a legal entity and cannot sue in its own name, not even a single document has been filed which could even remotely relate the Plaintiff to the subject property.

3.4 It is further submitted that the erstwhile owner of the subject property, namely Shri Jagdish Chander Arora by virtue of a registered Will dated 22.03.2019, bequeathed the subject property to the Defendant. Will was duly probated. No objection was raised in the probate proceedings and interestingly, even the title of the erstwhile owner Shri Jagdish Chander Arora is not in challenge in the present proceedings. Therefore, cumulatively in the present proceedings, the submission of the Defendant is that there is no right, title or interest which vests with the Plaintiff and there is no document which has been filed on record to establish any connection of the Plaintiff with the subject property. The

Contd/-

relief sought by the Plaintiff is for ne why there is no ownership document in the name of the Plaintiff. It has not been explained in the entire plaint, there is not even a whisper as to how the Plaintiff became the owner.

3.5 It is further submitted that the Plaintiff has no locus standi to institute the present suit, inasmuch as there is no document of ownership, which has been attached declaration of ownership and therefore, there would be a presumption that there is no ownership document in the name of the Plaintiff. It has not been explained in the entire plaint of the suit property. The Applicant is holding title of the suit property along with complete chain documents since 1952. If so directed, the Defendant would produce the original title of the documents before the Court.

3.6 It is further submitted that the Plaintiff is claiming ownership without any basis in respect of an immoveable property, in the respectful submission of the Defendant, the suit of the Plaintiff would be without cause of action and is to be dismissed.

3.7 It is further submitted that plaintiff is a non existing entity. It is settled law that Trust is not an entity and cannot be sued in its own motion. Only on this short ground, the liable to be rejected inasmuch as the present suit has been instituted by a Trust.

3.8 It is further submitted that in the absence of Trust Deed filed on record, Shri Prem Kamar Bareja is not the Trustee of the Plaintiff even if it is presumed that there exists any registered Trust in the name of the Plaintiff.

3.9 It is further submitted that the entire chain of events

Contd/-

also gives an impression, which is required to be investigated and proceedings under Section 369 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are to be initiated as on the face of it and on affidavit, false statements have been made by the Plaintiff. Moreover, these false statements are being made by abusing the process of law and to commit fraud. If so advised, the Defendant shall file a separate application seeking action against the Plaintiff, though this Court can take judicial notice of the action of the Plaintiff in the present proceedings.

3.10. It is further submitted that no record filed pursuant to which authority was given to Shri Prem Kumar Bareja to institute the present suit. Even in terms of the irrelevant Trust Deed filed on record, there are 14 Trustees and a suit by one of the alleged trustees would also not be maintainable.

3.11 It is further submitted that the suit of the Plaintiff is vexatious and has been filed with the ulterior motives. The Plaintiff is not in possession. The Plaintiff admits the suit property is over and above Rs.1.75 crores and therefore, the Plaintiff is required to pay the ad valorem court fee. Since the Plaintiff has failed to pay a court fee, the present suit is liable to be rejected in terms of the provision of Order VII Rule 11 CPC.

3.12 It is further submitted that the averments made in the plaint are vague and only bald allegations have been made by the Plaintiff without providing any supporting documents to substantiate such pleadings. In this regard, Hon'ble Supreme Court in T. Arivandandam v. T.V Satyapaul reported at 1977 (4) SCC 467 has held that the Court must remember that if on a meaningful not formal-reading of the plaint it is manifestly

Contd/-

vexatious, and meritless, in the sense of not disclosing a clear right to sue, be should exercise his power under Or. VII R. 11 CPC taking care to see that the ground mentioned therein is fulfilled. And, if clever, drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order X CPC.

3.13 It is further averred by the defendant that the above law is clearly applicable in the present matter, wherein the Plaintiff has failed to disclose the cause of action and further has failed to establish any right over the suit property.

3.14 It is further submitted that the present suit ought to have been rejected under the provisions of Order VII Rule 11 CPC.

ANALYSIS AND FINDINGS.

4. The present application under Order VII Rule 11 read with Section 151 CPC has been filed on behalf of the Defendant seeking rejection of the plaint primarily on the grounds that the Plaintiff has no locus standi to institute the present suit. It is averred by the applicant that the plaint filed by the plaintiff does not disclose any cause of action. It is further averred by the defendant that the Plaintiff has no right, title or interest in the suit property. It is further averred by the defendant that the suit is based on false and fraudulent averments and proper court fees has not been paid by the plaintiff.

5. Reply has been filed on behalf of the Plaintiff opposing the application.

6. Arguments on the application have been heard at

Contd/-

length and the material available on record has been carefully perused.

7. At the outset, it is necessary to delineate the scope of Order 7 Rule 11 CPC. It is a settled proposition of law that while adjudicating the application under Order 7 rule 11 CPC, the Court is required to confine its consideration strictly to the averments contained in the plaint and the documents relied upon therein. The defence set up by the Defendant in the written statement or in the present application cannot be looked into at this stage. The Court is also not required to conduct a roving enquiry into disputed questions of fact or to adjudicate upon the merits of the rival claims. The Court has to see whether the plaint discloses a cause of action.

8. In the present case, a perusal of the plaint shows that the Plaintiff has averred that the suit property was dedicated to a Trust by virtue of a registered Trust Deed dated 19.06.1998 and that the property has been used as a temple for several decades. It has further been alleged that the Defendant, who was allegedly in a fiduciary capacity, is now attempting to assert ownership over the suit property on the basis of a WILL dated 22.03.2019, which according to the Plaintiff is illegal, void and not binding. The Plaintiff has thus sought reliefs inter alia for declaration and protection of the suit property.

9. If the aforesaid averments are taken to be correct for the purposes of the present application, this Court finds that the plaint does disclose a bundle of facts which constitute a cause of action. The challenge laid by the Plaintiff to the WILL relied upon by the Defendant, as well as the assertion that the suit

Contd/-

property is Trust property, gives rise to triable issues which require adjudication upon evidence.

10. The contention of the Defendant that the Plaintiff Trust is not a legal entity and, therefore, cannot maintain the present suit is also not a ground for rejection of the plaint at this stage.

11. The plaint indicates that the suit has been instituted through a Trustee. It is well settled that trustees are competent to institute proceedings for protection of trust property. Any alleged defect in authorization or competence of the person instituting the suit would, at best, be a procedural irregularity which is curable in nature and cannot be made a basis for rejection of the plaint.

12. The Defendant has further contended that the Plaintiff has failed to place on record any document showing its ownership or title in the suit property and, on the contrary, the Defendant is the lawful owner by virtue of a duly probated WILL executed by the erstwhile owner. However, these submissions pertain to the merits of the rival claims of title. It is trite that while exercising jurisdiction under Order 7 Rule 11 CPC, the Court cannot embark upon an adjudication of disputed questions relating to title nor can it compare the documents relied upon by the parties. Whether the Trust Deed relied upon by the Plaintiff confers any right in the suit property, or whether the Will relied upon by the Defendant is valid and binding, are questions which can only be decided after the parties have led their respective evidence.

13. The allegations of fraud and misrepresentation raised by the Defendant also cannot be gone into at this preliminary

Contd/-

stage. Such allegations necessarily require evidence and adjudication after trial. The Court cannot return findings on disputed factual issues under the limited jurisdiction of Order VII Rule 11 CPC.

14. So far as the objection regarding insufficiency of court fees is concerned, even if it is assumed for the sake of argument that the suit has not been properly valued or adequate court fees has not been paid, suit cannot be rejected on above ground. At the most, even assuming that court fees is deficiently paid, then plaintiff will be entitled to file proper court fee. The law is well settled that the plaint cannot be rejected outright on this ground without first granting an opportunity to the Plaintiff to make good the deficiency, if any. Moreover, the issue of court fee is also a triable issue regarding which issue can be framed based upon the pleading of parties.

15. The Defendant has also placed reliance upon various documents and has sought to demonstrate that the plaint is vexatious and devoid of merit. However, as noted above, such a defence cannot be considered at this stage. The Court is only required to see whether the plaint discloses a cause of action and whether any of the grounds enumerated under Order VII Rule 11 CPC are attracted. In the present case, this Court is unable to hold that the plaint is barred by law, or that it does not disclose a cause of action, or that it suffers from any defect warranting rejection at the threshold.

16. In view of the aforesaid discussion, this Court is of the considered opinion that the objections raised by the Defendant involve disputed questions of fact which can only be

Contd/-

adjudicated upon after a full-fledged trial. The plaint, as it stands, discloses a cause of action at this preliminary stage and cannot be rejected under Order VII Rule 11 CPC.

17. Accordingly, the present application filed by the Defendant under Order VII Rule 11 read with Section 151 CPC is hereby **dismissed**. It is, however, clarified that nothing stated herein shall be construed as an expression on the merits of the case and all issues are left open to be decided at the appropriate stage.

Matter be listed for arguments on application under Order 39 rule 1 and 2 CPC for **01.04.2026**.

Meanwhile, both the parties are directed to maintain status qua and no construction/demolition shall be made and no third party interest shall be created in the plaint scheduled property till NDOH.

RAKESH KUMAR
Digitally signed by RAKESH KUMAR
Date: 2026.03.19 17:38:13 +0530

(RAKESH KUMAR V)
DJ-04/North-West
Rohini Courts/Delhi
19.03.2026