

29 CS DJ ADJ 768/21

USHA KHANNA Vs. IRAMYA DEVELOPERS PVT. TD. AND OTHERS

15.05.2026

Present: Ms. Ambika Bhadauriya, Proxy Counsel for plaintiff.  
Sh. Sachin Katyal, Ld. Counsel for defendants no. 2 and 3.

**Today the matter is fixed for clarifications, if any/order on application under Order VII Rule 11 CPC.**

Present application under Order VII Rule 11 CPC has been moved on behalf of defendant no. 2 & 3 for rejection of plaint. Rejection of the plaint has been sought on the ground that no cause of action is alleged qua defendant no. 2 and there is no specific averments qua the alleged liability of defendant no.3.

It is stated that purported lease agreement filed with the plaint is executed between plaintiff and defendant no.2. Defendant no.2 signed the lease agreement as defendant no.1 which does not make the defendant no.2 personally liable as the defendant no.2 is a complete stranger to the suit.

Perusal of plaint shows that the suit has been filed for recovery of Rs.30,53,750/-. Suit is filed against defendant no.1 which is a corporation and against its two directors who are defendant no.2 & 3.

It is a settled position of law that the plaint can be rejected under Order VII Rule 11 CPC only if it falls under any clauses specified in Order VII Rule 11 CPC. Hon'ble Supreme Court of India in plethora of judgments has clarified law on this point. A plaint can only be rejected under Order VII Rule 11 CPC for the reasons emanating from the inherent in-sufficiency of the plaint. It is equally well settled that while deciding an application under Order VII Rule 11 CPC, defence of the defendant or any documents produced by defendant cannot be considered.

In the present case, defendant no.2 & 3 have moved application under Order VII Rule 11 CPC on the ground that there is no cause of action against them. Basically defendant no. 2 & 3 are seeking their deletion from the array of parties. The proper remedy for defendant no. 2 & 3 was to move an application for deletion under Order I Rule 10 CPC which would be decided as per the merits. Further, this is no ground for rejecting the plaint under Order VII Rule 11 CPC.

Accordingly, the application is dismissed.

List for further proceedings on **03.07.2026**.

(Abhitosh Pratap Singh Rathore)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: 15.05.2026