

Civ DJ 12/25
KIRAN Vs. POOJA

16.01.2026

Present: Sh. Chander Shekhar, ld. counsel for plaintiffs.
Sh. Shivam Sharma, ld. proxy counsel for defendant no.1
& 2.

In this matter, arguments were heard on application under Order VII Rule 11 CPC.

Record perused. In application under Order VII Rule 11 CPC, it is submitted on behalf of defendant no.1 & 2 that present suit has been filed by plaintiffs seeking relief of partition and permanent injunction, however, suit property has already been sold to one Sh.Mahesh Yadav and he is in exclusive possession of the same and in view of same, present suit is not maintainable. This Court is of the considered view that while deciding application under Order VII Rule 11 CPC, Court has to look into only the averment in the plaint and there is no such averment in the plaint. Accordingly, present application is not maintainable and same is dismissed.

Perusal of record shows that written statement has already been filed on behalf of defendant no.1 & 2. Alongwith the written statement, one application seeking condonation of delay has been filed. In view of reason stated in the same and in view of the fact that delay is not large one, delay in filing of written statement is condoned. Written statement is taken on record. Replication of the written statement has already been filed on record.

Perusal of record shows that one application under Order 1 Rule 10 CPC has been moved by plaintiff. Issue notice of same to proposed defendant on filing of PF and RC for next date of hearing.

Put up on **18.04.2026**.

In the meanwhile, interim order be continued.

(Dharmender Singh)
District Judge-01(West), THC
Delhi/16.01.2026