

26-11-2025

ORDER ON IA No.VI

The I.A. No. VI has been filed under Order 7, Rule 11(a) and (d) of the CPC by the defendant, praying for rejection of the plaint on the grounds that it is not maintainable, does not disclose a cause of action, and the suit is barred by law.

2. In the accompanied affidavit to IA No.VI, the defendant has stated that, the Plaintiff is one of the Flat owner of defendant association. The plaintiff has filed seeking following relief.

1. To Restrict the Managing Committee from demanding an alleged maintenance dues or collect any amounts or penalty now or later in the name of maintenance, repairs, restoration etc., till the disposal of this suit.
2. To restrict the Managing committee and the manager from cutting off the services like water, generator, door delivery, security, gym, cleaning Adda forum access and any other services to the plaintiff unit, and to stop harassing the plaintiff and the tenants in this regard and to maintain the front side of her unit as prescribed and restore.
3. To restrict the Managing Committee to stop all seepage related work (restoration) to the plaintiff unit and the apartment, as the same is illegal in restricted common areas with common funds, and to not collect any funds further in this regard, till the disposal of this suit.
4. To direct the Managing committee to provide all maintenance and repair services to the plaintiffs' open surface parking area which is part of her sale deed and Deed of Declaration.
5. To direct the Managing Committee to produce a copy of the all book of accounts and vendor invoices for the

last 3 years and order an external Audit to check any discrepancies and maintain transparency.

6. To Direct the Managing Committee to produce the latest approved plan of Prestige Langleigh Apartment for the inspection by the plaintiff and the court to check the discrepancies in the number of units and any other discrepancies.
7. To direct the Managing Committee to follow all resolutions passed and to abide by the Bye-laws and rules existing.
8. Award all the cost of this suit to the plaintiff.
9. Grant any other relief/s deemed fit and proper by this Hon'ble Court in the interest of justice and equity.

3. It is further stated that prayers 1 to 7 are not maintainable, prayers 8 and 9 are barred, and prayer 6 is beyond the scope of the suit. The defendant therefore prays that the application be allowed and the plaint be rejected.

4. The plaintiffs have filed detail objections to application and denied the entire averments of the application.

5. I have heard the arguments of both side. Perused the material on records.

6. The points that arise for consideration of this Court are as under:

POINTS

1. Whether the defendant has made out sufficient grounds to allow the I.A.No.VI?
2. What Order?

7. The findings of this Court on above Points are as under:

Point No.1 : In the **Negative**

Point No.2 : As per final order for the following;

REASONS

8. **Point No.1** : The defendant has filed IA No. VI under Order 7, Rule 11(a) and (d) of the CPC, contending that the plaint does not disclose a cause of action, and that the prayers sought by the plaintiff are not maintainable and are beyond the scope of the suit. The defendant has further submitted that the suit is barred by law and, therefore, the plaint ought to be rejected.

9. Upon careful perusal of the plaint, it is evident that the plaintiff, being a flat owner in the defendant association, has filed the present suit seeking, inter alia, a direction restraining the Managing Committee from demanding or collecting maintenance, repair, or restoration charges, preventing the disconnection of services, ensuring proper maintenance of the plaintiff's unit and open surface parking area, halting all seepage-related work and collection of related funds, production of accounts, invoices, and the latest approved building plan, and ensuring compliance with the existing resolutions, bye-laws, and rules, by way of a permanent injunction.

10. It is clear from the averments of the plaint that a cause of action has been disclosed. The cause of action arises from the alleged acts of the Managing Committee which the plaintiff seeks to restrain, and which are claimed to be in

violation of her rights as a flat owner under the sale deed, Deed of Declaration, and the association's rules.

11. As regards the maintainability of the prayers sought by the plaintiff and whether they fall within the scope of the suit, these are questions that cannot be conclusively determined at this preliminary stage. The issues raised by the defendant pertain to factual disputes concerning alleged acts of the Managing Committee, the legality of the actions taken, and the interpretation of the governing documents of the association. Determination of such disputes necessitates a detailed examination of evidence and a full-fledged trial.

12. Order 7, Rule 11 CPC is intended to provide a summary procedure for rejection of complaints which are "vexatious" or "clearly not maintainable" on the face of the complaint. It is not intended to foreclose trial of disputes where the questions raised require consideration of facts and evidence. In the present case, the averments in the complaint are neither frivolous nor devoid of any cause of action. The objection of maintainability and scope raised by the defendant cannot be decided without examining the facts in detail.

13. In view of the above, the court is of the opinion that the defendant has failed to establish sufficient grounds to warrant rejection of the complaint under Order 7, Rule 11 CPC. Consequently, IA No. VI filed by the defendant is liable to be dismissed. **With these observations, this Court answers the point No.1 in the Negative.**

14. Point No.2 : In the light of aforesaid findings this Court proceed to pass the following :

-:: ORDER ::-

I.A.No.VI filed under Order VII Rule-11(a) of CPC by the defendant is hereby rejected.

To hear on pending applications by 05-01-2026.

**Vishwanath Savadi
Civil Judge & JMFC,
Krishnarjapura.**