

Special Civil Suit No. 112 of 2024**Order below Exh.53**

1. The present suit has been filed by the plaintiff for cancellation of the sale deed and for declaration and mandatory injunction. This suit was filed on 23.04.2024 along with an injunction application.
2. Upon filing of this suit, this Court issued notices, and Defendants No. 11 to 17 appeared on 12.06.2024. Defendant No. 17 filed an application under Order 7 Rule 11 for rejection of the plaint on the same day.
3. Similarly, Defendants No. 2 to 6 filed an application for rejection of the plaint under Order 7 Rule 11 on 29.07.2024. The written statement was also filed on the same day. Thereafter, the matter was kept for reply to the applications under Order 7 Rule 11, and this Court granted time at regular intervals, as reflected in the Rojkam. Subsequently, the matter was heard by this Court with respect to Defendants No. 2 to 6 and Defendants No. 12 to 17. During the hearing, the learned Advocate for the plaintiff sought time. Thereafter, the learned Advocate for the plaintiff was changed, and the newly appointed learned Advocate appeared before this Court and requested an adjournment. A detailed order was passed by this Court on 01.04.2025. It was submitted by the learned Advocate that a cloud has been created over the title of the defendants and that the defendants are suffering irreparable loss. Considering the submissions of the plaintiff, the matter was kept for 01.04.2025, on which date the learned Advocate for the plaintiff filed a reply to the application made by Defendant No. 17 under Order 7

Rule 11. It was submitted by the learned Advocate on 01.04.2025 that she would argue the matter after filing replies to all the applications under Order 7 Rule 11.

4. Thereafter, on 05.04.2025, a sick note was filed, and considering the same, the matter was kept on 09.04.2025. On that day, an application was filed by the learned Advocate for the plaintiff, in which it was alleged that the Court was granting only four days' time and she had not been given ample opportunity to make submissions. Although the Court did not make any observation on the application, it granted time, and the matter was kept for arguments on 16.04.2025.
5. Today, the learned Advocate for the plaintiff has filed replies to the applications filed by Defendants No. 12 to 16 under Order 7 Rule 11 and also filed a rejoinder to the written statement filed by Defendants No. 12 to 16. The application filed by Defendant No. 17, for which a reply has already been submitted by the plaintiff. Application below order 7 rule 11 is to be decided based solely on the averments and cause of action stated in the plaint. The Court is not required to consider any other material placed on record by the defendants. Therefore, the matter is required to be argued based on the plaint alone as per the provisions of Order 7 Rule 11. However, the learned Advocate once again refused to argue the matter and sought a further 20 days' time through another application, again alleging that the Court is not providing ample opportunity for preparation and submissions. The Court has recorded that these applications have been pending for a long time and that the learned Advocate for the plaintiff, who entered appearance on 11.03.2025,

has already been given over a month to prepare the matter. Yet again, she has come forward with an adjournment request.

6. The learned Advocate for the defendants endorsed the application, stating that his arguments were completed on 19.02.2025 and that since then, the plaintiff has been seeking time on one ground or another. It is further stated by the learned Advocate for the plaintiff that she is not prepared with the matter and will argue when she is ready. She has only made written submissions and has not made oral submissions.
7. Furthermore, it is stated that the applications under Order 7 Rule 11 have been filed in English, which she finds difficult to understand, and she requires additional time. This Court has already granted several opportunities to the learned Advocate for the plaintiff. In the present application as well, similar allegations have been made. Nonetheless, to avoid any claim of injustice by the plaintiff and to ensure that she cannot allege that she was not given a fair opportunity, one last chance is being granted. The matter is now kept for 22.04.2025. If the written submissions are not made by then, the matter will be taken up for orders.

Signed and pronounced in the open Court on this 16th day of April, 2025.

Date : 16.04.2025
Place: Gandhinagar

Sanjeev Kumar
6th Additional Senior Civil Judge
Gandhingar [GJ01221]