

Order below Exh.15

The application is filed by the defendants under Order 7 Rule 11 of Civil Procedure Code for rejection of plaint.

2. It is submitted that the defendants are the owners of suit property. Plaintiffs never came in the suit property. No cause of action is happened to file this present suit. No specific dates are mentioned in the plaint for the cause of action. On 28.12.2018 defendants purchased suit property i.e.4 acres from Gut No.141 by way of sale-deed. Plaintiff has filed false suit to grab defendants property Plaintiff has showed boundaries of Gut NO. 141 to the suit property. The suit property is in the possession of defendants. He has cultivating corn crops in the suit property Gut No.130 & 141 are not in the possession of plaintiff. Hence, suit be rejected.

3. The plaintiff has filed say and opposed the application. The application is false and not legal. The possession of the suit property will be decide after evidence. This is the part of trial. The application be rejected.

4. Heard Ld. Advocate Ajaj Khan for the defendant applicant and Heard Ld. Advocate I.G. Patel for the plaintiff. Perused the proceeding.

5. This is the suit for perpetual injunction. As per order 7 Rule11 the Code of civil Procedure empowers a Court to reject a plaint at its initial stage. Under Order 7 rule 11 of CPC the specific grounds for rejection of plaint is given. The pleadings of the plaint are played vital role at this stage As far as Order 7 Rule 11 of Civil Procedure code is concerned the grounds for rejection of plaint is concerned.

- a. When the plaint does not disclose the cause of action or not
- b. The suit is under valued.
- c The plaint is not sufficiently stamped.
- d. The suit is barred by any law.
- e. The plaint is not filed in duplicate.
- f. The plaintiff fails to comply with the requirement Order 7 Rule 11.

6. In this application in hand the defendants have submitted that Gut No. 1308 & 141 are not in the possession of the plaintiff. Therefore, suit be rejected under Order 7 Rule 11 of CPC. The settled principle of the law is very clear that the possession or the ownership is the part of the evidence. This is very initial stage of the suit. At this stage the averments of the pleadings are important. The suit is for perpetual injunction in respect of Gut No.130 out of that 1H 68 R in the Village Dhamangao Tq. Khultabad. The plaintiff has specifically contended that the suit property is self-acquired property of the plaintiff. The suit property is purchased on 07.03.2019 by way of registered sale-deed bearing No.356/2009. There is mutation entry bearing No.2034. The 7/12 extract is also in the name of the plaintiff. The dates of the incident are mentioned in the plaint.

7. It is also mentioned that the defendants are obstructing there peaceful possession from 04.07.2024. The issue of possession is purely based on evidence on the both sides. The cause of action is bundle of facts. The grounds given in the present application are vague. I do not find the substance in this application.

8. Considering the above reasoning, application and say their on. In the interst of justice I pass following Order.

Order

The application vide Exh.15 filed under Order 7 rule 11 of CPC is rejected.

Date :- 20/09/2025

(Shaikh M.A.K.)
J.M.F.C. and C.J.J.D.
Tq. Khulatabad Dist.urangabad.