

MHST200006162025



Spl. C. S No.95/2025
Mahadev vs. Sandip

ORDER BELOW EXH. 17

The present application is preferred by defendant no.6 under Order VII Rule 11 of the Code of Civil Procedure seeking rejection of plaint. The plaintiffs have instituted the present suit seeking declaration of ownership over the suit property, declaration that the document is null and void and consequently relief of perpetual injunction.

2. The defendant No.6 has contended that this court has no territorial jurisdiction to entertain and try the present suit. According to him, the suit property is within the territorial limits of village Sanpane, Tal-Jawali, Dist-Satara which falls within the jurisdiction of Medha court. Therefore, according to him, the plaint deserves to be rejected. It is further contended that, the suit has not been properly valued, for the purpose of court fees and that the plaint does not disclose any cause of action. On these grounds, the applicant / defendant no.6 prayed for rejection of plaint under Order VII Rule 11 of the CPC.

3. Plaintiffs have filed their say opposing the application. It is contended that, the application is misconceived and liable to be rejected. According to plaintiffs, suit has been properly valued and adequate court fees have been paid. It is further submitted that, plaint clearly disclosed the cause of action for filing the suit. However, the plaintiffs have specifically stated in the plaint that the

suit property is situated at the village Sanpane, Tal-Jawali, Dist-Satara.

4. I have heard learned advocates appearing for both the parties. I have carefully gone through the plaint, the application, reply filed by the plaintiffs and documents filed on record.

5. Before exercising powers of Order VII Rule 11 of the CPC, the court is required to examine averments contended in the plaint and documents relied upon by plaintiff. The defence raised by defendant is ordinarily not relevant for deciding application under Order VII Rule 11 of the CPC except to the limited extent permissible under law.

6. The applicant is specifically challenged the territorial jurisdiction of this court. The careful reading of the plaint itself shows that the plaintiff has categorically pleaded that suit property is at village Sanpane, Tal-Jawali, Dist-Satara. Thus, location of the suit property is not disputed so far as the pleading of the plaint is concerned.

7. The present suit seeks declaration of ownership, declaration that document executed by defendant no.6 is void-ab-initio and other reliefs in respect of immovable properties. Such a suit is required to be instituted in the court whose local limit immovable property is situated in view of the section 16 of the CPC. The territorial jurisdiction in respect of suits relating to the rights in the immovable property is determined preliminarily by the suit of the property where situated.

8. From the averments in the plaint itself, it appears that village Sanpane, Tal-Jawali falls within the territorial jurisdiction of

District Satara. On consideration of the territorial jurisdiction Governing civil courts in the district, it appears that the said village does not fall within the territorial jurisdiction of this court. Consequently, this court lacks territorial jurisdiction to entertain and decide the present suit.

9. However, the question that arises is whether the plaint should be rejected under Order VII Rule 11 of CPC merely because this court lacks territorial jurisdiction.

10. The answer has to be in the negative. Order VII Rule 11 of CPC stated specific grounds on which plaint may be rejected, such as where it does not disclose a cause of action, where the relief is undervalued and deficiency is not corrected, where the plaint is insufficiently stamped, where the suit appears from statement in the plaint to be barred by any law etc. Law of territorial jurisdiction is one of the ground mentioned in Order VII Rule 11 of CPC. Whenever the court comes to the conclusion that it lacks territorial jurisdiction the proper course prescribed by court in contents in Order VII Rule 10 of the CPC. The said provisions specifically mandates that the plaint shall be returned for the presentation before the court in which the suit properties have been situated. Thus, the code clearly distinguished the rejection of plaint under Order VII Rule 11 and return of plaint under Order VII Rule 10 of CPC.

11. Therefore, merely because this court lacks territorial jurisdiction, plaint cannot be rejected. The proper course is to return the plaint to the plaintiffs for presentation before the competent court having territorial jurisdiction over the suit property.

12. The applicant has also contended that the suit is not

properly valued. However, except making allegations no material has been produced to demonstrate in what manner the valuation is contrary to the law. At this stage, nothing has been pointed out to establish that the valuation shown by plaintiff is insufficient so as to attract Order VII Rule 11 (b) & (c) of CPC.

13. The contention regarding absence of cause of action is devoid of merits. The plaint contains detail averments regarding plaintiffs claim of ownership, execution of impugned document the alleged illegality thereof and alleged interference by the defendants. Whether those averments are ultimately proved is the matter of trial. At this stage, the plaint cannot be said to be devoid of cause of action.

14. Thus, while the objection regarding valuation and cause of action deserves rejection. The objection regarding as territorial jurisdiction deserves acceptance. Nevertheless, acceptance of such objection does not result in rejection of plaint. Instant plaint is liable to be returned under Order VII Rule 10 of CPC for presentation before the court of competent territorial jurisdiction. Hence, the following order :-

ORDER

1. The application is partly allowed.
2. It is held that this court has no territorial jurisdiction to entertain and try the present suit.
3. The prayer seeking rejection of plaint under Order VII Rule 11 of CPC is rejected.
4. In exercise of powers under Order VII Rule 10 of CPC the plaint is ordered to be returned to the plaintiffs for

presentation before the court having competent territorial jurisdiction over the suit property.

5. Office shall endorse on the plaint the particulars as required under Order VII Rule 10 of CPC and return the plaint alongwith documents to the plaintiffs after retaining certified copies thereof on record in accordance with Civil Manual.
6. The plaintiffs are liberty to present the plaint before competent court in accordance with law.
7. Accordingly, application is disposed off.

Wai
Date: 02.07.2026

(K.S.Suryawanshi)
Civil Judge Senior Division, Wai
Dist-Satara.