

**IN THE COURT OF MS. VASUNDHARA RAO, CIVIL JUDGE
(JUNIOR DIVISION), YAMUNA NAGAR AT JAGADHRI. (UID
NO.HR0660)**

CNR No:HRYN020031192022

CASE No:CS-2416-2022

Date of Order: 04.02.2026

Present: Shri Sachin Kumar, Advocate for plaintiff.
Shri Arun Dhanda, Advocate for applicants/defendants no.1
& 2.
Ms. Suchi Singla, Advocate for defendant no.3.

Order on application under Order 7 Rule 11 CPC for rejection of plaint.
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APPLICATION IN BRIEF

1. An application under Order 7 Rule 11 CPC for rejection of plaint and the learned counsel for applicants/defendants no.1 and 2 submitted before the Court that the plaintiff is seeking declaration of ownership of suit property simplicitor without seeking relief of possession, although plaintiff is admittedly out of possession of suit property. As per pleadings of plaintiff, property mentioned at head note no.2 of the plaint was purchased for a sale consideration of Rs.5,56,000/- and property mentioned at head note no.1 of the plaint was purchased for a sale consideration of Rs.10,00,000/- and thereafter, an amount of Rs.60,00,000/- was spent on raising construction over it. As per provisions of Order 7 Rule 11 CPC, 1908, Rejection of Plaint-The plaint shall be rejected in the following cases;-

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued and the plaintiff, on being required by the court to correct the valuation within a time to be fixed by the court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped and the plaintiff, on being required by the court to supply the requisite stamp paper within a time to be fixed by the court fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9:- (provided that the time fixed by the court for the correction of the valuation or supplying of the requisite stamp paper shall not be extended unless the court, for reasons to be recorded is satisfied that the plaintiff was prevented by any cause of an exceptional nature from correcting the valuation or supplying the requisite stamp paper, as the case may be, within the time fixed by the court and that refusal to extend such time would cause grave injustice to the plaintiff". In the end, the plaint is liable to be rejected under Order 7 Rule 11 CPC, in the interest of justice.

REPLY IN BRIEF

2. Upon notice, the plaintiff appeared and filed reply to the present application wherein he has objected to the same on the ground of maintainability. It is denied that the plaintiff has legally and validly affixed the proper court fee on the relief of declaration and permanent

injunction and the suit is properly valued and the learned civil court has the jurisdiction to hear and decide the present suit. In the end, the present application under Order 7 Rule 11 CPC be dismissed with costs, in the interest of justice.

3. Heard the learned counsels for both the parties at length and perused the case record with the minute detail.

REASONING & DECISION

4. At the outset, it is settled law that while considering an application under Order VII Rule 11 CPC, the Court is required to examine only the averments made in the plaint, taking them at their face value. The defence set up by the defendants or the merits of the claim cannot be looked into at this stage. Rejection of plaint is permissible only when the plaint, on its plain reading, squarely falls within the grounds enumerated under Order VII Rule 11 CPC. On a careful reading of the plaint as a whole, this Court finds that the plaintiff has asserted his title over the suit property and has sought the reliefs of declaration and permanent injunction. Whether the plaintiff is in possession of the suit property or not, and whether he was required to seek the consequential relief of possession, cannot be conclusively determined merely on the basis of the plaint averments and without leading evidence.

5. The objection raised by the defendants regarding non-maintainability of the suit under the proviso to Section 34 of the Specific Relief Act involves a mixed question of law and fact, which requires adjudication after framing of issues and appreciation of evidence. Such a

question cannot be decided at the threshold while exercising jurisdiction under Order VII Rule 11 CPC. As regards the objection pertaining to valuation and court fee, the plaint does not disclose any apparent or patent undervaluation so as to attract clauses (b) or (c) of Order VII Rule 11 CPC.

6. In view of the above discussion, this Court is of the considered opinion that none of the grounds contemplated under Order VII Rule 11 CPC are made out from the statements contained in the plaint itself. The application filed by applicants/defendants No. 1 and 2 under Order VII Rule 11 CPC is hereby dismissed.

7. Nothing construed herein shall be deemed to be an expression of opinion on merit of the case.

Date of Order: 04.02.2026
kavita

(Vasundhara Rao)
Civil Judge (Junior Division),
Yamuna Nagar at Jagadhri
UID NO . HR0660

Note: All the four pages of this order have been checked and signed by me.

(Vasundhara Rao)
CJ(JD), Jagadhri/04.02.2026
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CASE No:CS-2416-2022

Tizender Kaushal Vs. Vasundhra

Present: Shri Sachin Kumar, Advocate for plaintiff.
Shri Arun Dhanda, Advocate for applicants/defendants no.1
& 2.
Ms. Suchi Singla, Advocate for defendant no.3.

Arguments heard. Vide my separate order of even date,
application under Order 7 Rule 11 CPC for rejection of plaint filed by
applicants/defendants no.1 and 2 is hereby dismissed and disposed of.
Now to come up on **16.04.2026** for filing written statement and reply to
stay application on behalf of defendants.

Date of Order: 04.02.2026
kavita

(Vasundhara Rao)
Civil Judge (Junior Division),
Yamuna Nagar at Jagadhri
UID NO . HR0660