



**UPRB010005032026**

**IN THE COURT OF DISTRICT JUDGE, RAE BARELI.**

**Presiding Officer:-Amit Pal Singh, HJS.UP05691**

**Civil Revision No.06 of 2026**

**1- Ashish Dayal Rai aged about 56 years son of Late Rai Hari Krishan Dayal;**

**2- Smt. Vartika Rai aged about 55 years wife of Sandeep Kumar,**

**Both the residents of Kothi A.B. Lal, South Jahanabad, Raebareli.**

**-----Revisionists/Defendants**

**Vs.**

**1- Smt. Amrita Kaur, wife of Late Daljeet Singh,**

**2- Smt.Laxmi aged 70 years widow of Jangjit Singh;**

**3- Gulab Singh aged 35 years**

**4- Dipu Singh aged 30 years**

**Both are sons of Late Jangjit Singh**

**5- Surendra Jeet Singh aged 20 years son of Jagdish Singh**

**All are resident of Kothi Amar Singh, Mohalla Amar Nagar, Pargana, Tehsil and District Raebareli.**

**6- Smt. Harivansh Kaur alias Munni Devi, aged about 55 years, widow of Sarvjit Singh,**

**7- Karanjeet Singh, aged about 27 years, son of Late Sarvjit Singh**

**Both are residents of 589 Subhash Nagar Post Vrindavan Telling Bijnaur Tehsil Sarojini Nagar, District Lucknow.**

**-----O.Ps./Plaintiffs**

**J U D G M E N T**

1- This Civil Revision has been preferred by the revisionists/defendants under Section 115 of the Code of Civil Procedure against order dated 25-11-2025 passed by the Civil Judge (Sr.Div.)/FTC (Sr.Division), Rae Bareli, in Original Suit No.357 of 1998, Daljit Singh & Ors. vs. Rai Hari Krishan & Ors., whereby application 152C has been rejected and objection 157C has been disposed off.

2- Brief facts arising out of the present civil revision are as follows:-

Defendant no.1/1 has submitted application paper no.152A and stated that the defendant no.1/1 and ½ are the owners and possessors of

the land, in question, since the period of their ancestors July 1900 and defendants have every right to use and enjoyment of the property in question and protect his person and property under law. The then Zamindar and Taluqdar Sardar Narayan Singh the superior proprietor, who had delivered the possession by a registered perpetual lease with all the rights as proprietary rights to Sri Lala Bakhat Bahadur son of Lala Awadh Bihari Lal r/o Kothi A.B. Lal Souht Jahanabad Rae Bareilly City on spot which is in possession use and occupation of defendant no.1/1 and ½ from the time of their ancestor Sri Lala Bakhat Bahadur since July 1900 in whose favour absolute superior proprietary right has been transferred by the Superior proprietor Sardar Narain Singh, the then superior Proprietor thus Lala Bakhat Bahadur became under proprietor thus in terms and condition mentioned in permanent lease as dt.09 July, 1900 further after death of Lala Bakhat Bahadur in 1944 the original defendant no.1 and his brother late Sri Rai Chandi Dayal became under proprietor and came into possession use and enjoyment and rights including right of inheritance according to the perpetual lease as under the foot and place of their father Lala Bhkhat Bahadur and raised various construction on the spot further after the death of Sardar Narain Singh superior proprietor so long he was alive and after his death his heir and legal representative never objected or interfered in answering defendant possession, use, occupation and enjoyment and after his death his heir and legal representative never objected and interfered in on existing buildings nor ever objected even in the later land acquisition proceedings and the permanent lease deed was very well certified by the courts. That the plaintiffs, who are clever and are malicious and greedy persons, their father was disinherited and debarred from the property by their ancestors by will deed too and they have no title or right over the property in question and they have no locus standi too, to file the suit and the documents filed by the defendants supporting these context and contents is on the record of this case file. That the written statement as counter claim was filed and supporting documents and evidence which proves the possession as well as ownerships and all the proprietary rights in the favour of defendants are also on this file. Thus, proprietary Thus, principle of acquiescence and estoppel as well as including no locus standi operates against the plaintiffs; thus the suit as framed and presented does not come within the period of law of limitation while it also does liable to be rejected under Order 7 Rule 11 C.P.C. Wherefore, it is most otherwise kindly be rejected the plaint with costs.

03- Against the aforesaid application, plaintiff no.1/1 has filed an objection (Paper No.157C) stating that the facts stated by the defendant

in the application have already been mentioned in the written statement, and the issues in the suit were framed on 31-01-2002. The disposal of issue no.7 alone will provide the parties with lawful justice. No suit can be dismissed merely on the basis of the defendant's statements unless proper evidence is produced. It is necessary to clarify here that the cause of action affects the plaintiff; therefore, the plaintiff has clearly stated the cause of action in paragraphs 11 and 12 of the plaint. The defendant is making false assertions regarding the cause of action, which are not acceptable. The defendant has referred to file a written statement under the present provision; therefore, the relief sought by the defendant in the present application is not maintainable, as the issues have already been framed. It would be lawful to draw conclusion only after a proper hearing. The present application filed by the defendant has been submitted with the intention of prolonging the legal process and to harass and trouble the plaintiff, who is a woman, and is thus liable to be dismissed with costs. The present application submitted by the defendant is baseless, misleading and contrary to law, and has been filed with the intention of harassing the plaintiff and wasting the valuable time of this Hon'ble Court, as the cause of action has already been clearly stated by the plaintiff in paragraphs 11 and 12 of the plaint. Therefore, it is humbly prayed that the defendant's application be dismissed with costs, considering the reasons stated above.

04- Aforesaid application 152A has been rejected by the learned lower vide order dated 25-11-2025. Being aggrieved by the aforesaid order, the revisionists has filed the present civil revision.

05- Heard the learned Counsel for the revisionist, whereas none appeared on behalf of respondent and carefully gone through the impugned order dated 25-11-2025.

06- The learned Counsel for the revisionists has submitted that the present Civil Revision has been preferred against the illegal, arbitrary and jurisdictionally erroneous order dated 25/11/2025 passed by the Court of F.T.C. (Senior Division), Raebareli in Original Suit No. 357 of 1998, whereby the learned Trial Court illegally rejected the Revisionist's application under Order VII Rule 11 CPC, despite complete absence of cause of action and existence of admitted, certified and public documents. The plaintiffs instituted the aforesaid suit alleging in paragraph-11 of the plaint that on 24.11.1998, the defendants started raising construction over the disputed property and

that the defendants were not inclined to stop the construction work, giving rise to a supposed cause of action. The entire foundation of the plaint is false, misleading and illusory, as the defendants' possession, construction and enjoyment over the disputed property flows from a registered perpetual lease deed dated 09.07.1900, which is a public document, more than 30 years old, and therefore self-proved under the Indian Evidence Act. The disputed property is governed by a registered perpetual lease deed dated 09.07.1900, executed by Sardar Narayan Singh, the then Zamindar and superior proprietor, in favour of Babu Bakhat Bahadur who was the father of the original defendant No. 1 and the father-in-law of the original defendant No. 2 and grand father of the present defendants and the predecessor-in-interest of the defendants. By virtue of the said perpetual lease, full proprietary rights including possession, construction, enjoyment, transfer, inheritance and alienation were conferred upon the lessee and his successors in perpetuity, thereby completely divesting the lessor and his heirs of any subsisting right, title or interest in the leased land. The said perpetual lease is a public document, is more than 30 years old, and therefore carries a statutory presumption of genuineness and validity, requiring no further proof. The said perpetual lease has already been verified, relied upon and upheld by competent courts, including in land acquisition proceedings and has never been set aside or declared void by any court of law. Once the defendants' right to construct and possess the property stands established by a registered perpetual lease of 1900, the allegation of "illegal construction" on 24.11.1998 is legally unsustainable and does not give rise to any enforceable cause of action. A plaint which on its own averments and admitted documents discloses no cause of action, is liable to be rejected at the threshold under Order VII Rule 11(a) CPC. Mere assertion of construction by the defendants, without any subsisting right, title or interest of the plaintiffs in the disputed property, does not constitute a valid cause of action in the eyes of law. Despite existence of a registered perpetual lease, which is a certified and self-proved public document, the learned Trial Court illegally proceeded to fix the matter for evidence, which amounts to compelling the defendants to prove what is already legally admitted and established. The ancestor of plaintiff's Sardar Amar Singh had already disinherited his son Sardar Ranjit Singh (father of plaintiff Daljeet Singh) by a Will, followed by another registered Will executed by his widow Smt. Umrao Kaur Alias Chartar Kaur vide dated 30.10.1964 and its registration no. is 49/1964 of Bahi no. 3rd No. 75 of page 70-74 indorsed on the date 31.10.1964 of the above said record at the office of Sub-Registrar, Sadar Raebareli. The rejection of the application under Order VII Rule 11 CPC, in spite of complete absence of legally sustainable cause of action, is contrary to settled principles of law,

defeats the very object of Order VII Rule 11 CPC and results in abuse of the process of court. The learned Trial Court failed to exercise jurisdiction vested in it by law by refusing to reject the plaint at the threshold and instead assumed jurisdiction not vested in it, thereby attracting revisional interference under Section 115 CPC.

07- On the basis of above, the learned Counsel for the revisionists has submitted that in view of the above facts and circumstances and evidence available on record, the present civil revision deserves to be allowed and the impugned order dated 25-11-2025 passed by the learned lower court in Original Suit No.357 of 1998 deserves to be set-aside and the application moved by the revisionists under Order VII Rule XI C.P.C. deserves to be allowed and the suit filed by the respondents/plaintiffs deserves to be dismissed.

08- On perusal of the impugned order, it is crystal clear that in the Original Suit No.357 of 1998, Daljeet Singh Vs. Rai Harikrishan and others, Rai Harikrishan and others, father of revisionists/defendants and revisionists/defendants moved application no.152C for rejection of plaint of respondents/plaintiffs under Order VII Rule XI C.P.C. against which the respondents/plaintiffs filed their objection as paper no.157C and opposed the application moved by the revisionists/defendants mainly on the ground that the revisionists/defendants has also taking the same ground in its pleadings on the basis of that main issues were framed on 31-01-2001. On the similar basis issue no.7 was framed and the revisionists/defendants has specifically the proposed cause of action in paragraph 11 and 12 of the plaint and the revisionists/defendants has come forward with the false assertions with regard to the cause of action which are acceptable and revisionists/defendants has only moved this application just prolonged the proceedings of the case with intention to harass respondents/plaintiffs. The learned lower court has quoted the provisions contained in Order VII Rule XI C.P.C. and on account of the fact that in original suit 31-01-2001 and issue no.7 was framed for Order VII Rule XI and rest issues were also framed on 09-09-2001 and earlier also the revisionists/defendants has moved application on 26-05-1999 under Order VII Rule XI C.P.C. on similar ground, which was decided by the then Presiding Officer on 27-08-1999 and it has been held that the application can only be decided after the evidence of parties as there is mixed question of law and facts is involved and only on this ground, the learned lower court has pleased to reject the application of revisionists/defendants 152C under Order VII Rule XI C.P.C.

09- In view of the above noted ground taken by the learned lower

Court, the revisionists/defendants have failed to show any sort of illegality, irregularity or jurisdictional error in the impugned order and there is no error on record against the ground taken by the learned lower court for dismissing the application 152C under Order VII Rule XI C.P.C. moved by the revisionists/defendants. Hence, the present civil revision deserves to be dismissed and the impugned order deserves to be confirmed.

**ORDER**

This Civil Revision is, hereby, dismissed and the impugned order dated 25-11-2025 passed by the Civil Judge (Sr.Div.)/FTC, Rae Bareli, in Original Suit No.357 of 1998, Daljit Singh & Ors. vs. Rai Hari Kishan & Ors., is, hereby, confirmed.

**( Amit Pal Singh )**  
**UP05691**  
**District Judge, Rae Bareli.**  
**07-04-2026**

Judgment and order signed, dated and pronounced today in the open court by me.

**( Amit Pal Singh )**  
**UP05691**  
**District Judge, Rae Bareli.**  
**07-04-2026**

Sarita