

23 CS DJ 541/25

KUSUM LATA SONI (SENIOR CITIZEN) Vs. RAJINDER SONI

11.02.2026

Present: Ld. Counsel for plaintiff.
Ld. Counsel for defendant no. 1 and 2.
Ms. Sunita Rani, Ld. Counsel for defendant no. 3 alongwith
defendant no. 3.

Replication filed on behalf of plaintiff. Applications under Order 11 Rule 14 CPC and Order 8 Rule 1A CPC filed on behalf of defendant no. 1. Copy already supplied to plaintiff.

2. Reply to the application under Order 7 Rule 11 CPC filed. Copy supplied. Arguments heard.

3. The present suit has been filed seeking cancellation of certain documents including the gift deed. Ld. Counsel for defendant no. 1 and 2 states that plaintiff has not sought the relief of cancellation of MoU, which is a very important document.

4. Ld. Counsel for plaintiff states that plaintiff was the absolute owner of the suit property and therefore, there was no need to seek the relief of cancellation of said MoU.

5. It is also a settled position of law that while deciding the application under Order 7 Rule 11 CPC, the plaint is required to be seen not the defence/WS. It is the choice of the plaintiff as to for which documents she wants to seek cancellation. If the plaintiff does not want to seek cancellation of the MoU, she cannot be forced to include said relief.

6. From the nature of the allegations, this court is of the opinion that the plaint discloses sufficient cause of action. Therefore, **the application under Order 7 Rule 11 CPC is dismissed.**

7. Arguments on the application under Order 8 Rule 1A CPC filed on behalf of defendant for placing on record certain documents also heard. As the case is at very initial stage, the said application is **allowed**. However, the applicant is required to prove the documents as per law.

8. Put up for filing of affidavit of admission/denial of all documents with advance copy to the opposite side and framing of issues on **02.04.2026**.

9. Now, it is also stated that an application is also pending seeking production of document from defendant no. 3. Defendant no. 3 states that she has not been supplied copy of the same. Same be supplied at the earliest and thereupon, reply be filed within 30 days with advance copy to opposite counsel.

10. Put up for arguments on said application also on next date. As requested, put up for arguments on stay application also on **02.04.2026**. Copy of the rent agreement be also supplied to the plaintiff within 7 days.

(Naresh Kumar Laka)

DJ-07/Central/THC

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