



2026:CGHC:3715



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 29 of 2026

1 - Smt. Purnima Badge W/o Ramkumar Badge Aged About 48 Years
Occupation- Government Employee, R/o H.No. D-24 Savitri Nagar,
Raigarh, District Raigarh (C.G.)

... Applicant

versus

1 - Kajal Salooja W/o Sachin Salooja Aged About 42 Years R/o Itwari
Bazar, Near Sbi Bank, Raigarh (C.G.) District Raigarh (C.G.)

... Respondent

(Cause-title taken from the Case Information System)

For Applicant :- Syed Afaque Hussain Rizvi, Advocate

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board

21.01.2026

1. This appeal/revision arises out of the impugned order dated 01.01.2026 passed by the learned 5th District Judge, Raigarh (C.G.) in Civil Suit No. A/13/2024 (Annexure A-5), in the matter of Kajal Salooja vs. Smt. Purnima Badge, whereby the learned Trial Court has erroneously dismissed the applicant's applications under Order VII Rule 11 CPC read with Section 151 CPC and under Order IV Rule 1 read with Section 151 CPC.



2. Following prayer has been made by way of this revision petition:-

“a) Call for the records of Civil Suit A/13/2024 from the Court of 5th District Judge, Raigarh (C.G.) between Kajal Salooja Vs. Smt. Purnima Badge.

b) Allow this Civil Revision Petition and set aside the impugned order dated 01.01.2026 (Annexure A-5) passed by the Ld. 5th District Judge, Raigarh (C.G.).

c) Consequently, allow the application under Order 7 Rule 11 r/w Section 151 CPC and application under Order 4 Rule 1 r/w Section 151 of CPC filed by applicant and dismiss the Suit filed by plaintiffs with costs.

d) Pass any other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. Brief facts of the case are that on 14.06.2024, the respondent/plaintiff instituted Civil Suit No. A/13/2024 for specific performance. She alleged that the applicant/defendant, a Scheduled Caste government employee, had agreed to sell her sole residential house for a meager sum of ₹1,20,000/- on the basis of a document dated 14.06.2021. The applicant vehemently denies the said allegation and asserts that the respondent is a habitual illegal money lender who deceitfully obtained her signatures on a document by representing it as a loan agreement. She later falsely projected the same document as a “Sale Deed”



(Bikrinama) in public notices and as a “Sale Agreement” (Vikray Ikrarnama) in the suit. Upon discovering the fraud through a newspaper publication dated 16.06.2021, the applicant issued a public rebuttal on 21.06.2021. This material fact was deliberately suppressed by the respondent in the plaint. Thereafter, on 30.01.2025, the applicant filed two applications before the learned Trial Court. One was under Order VII Rule 11 read with Section 151 CPC for rejection of the plaint on the grounds of absence of cause of action, gross undervaluation, and suppression of material facts. The other was under Order IV Rule 1 read with Section 151 CPC for non-compliance with the mandatory rules of pleading. The respondent filed her replies to both applications on 11.08.2025, contending that the issues raised were matters of evidence. The learned Trial Court, however, vide impugned order dated 01.01.2026 (Annexure A-5), erroneously dismissed both applications. It held that the fundamental legal defects raised by the applicant were matters to be decided only after trial. This was despite the clear distinction between a sale deed and a sale agreement, suppression of material facts, and non-compliance with Order VI and Order VII CPC. Thereafter, the learned Trial Court fixed the matter for framing of issues on 06.01.2026. This has given rise to the present petition/appeal/revision.

4. Learned counsel appearing on behalf of the applicant submits that the application filed under Order VII Rule 11 CPC has been rejected by the learned Trial Court in a casual, mechanical, and



illegal manner. The defendant had specifically raised objections regarding absence of cause of action, improper valuation and insufficiency of court fee, and the bar of limitation; however, the learned Trial Court failed to appreciate these objections in their correct legal perspective. It is submitted that the learned Trial Court has erroneously held that the issues raised in the application under Order VII Rule 11 CPC could not be adjudicated at the threshold and could be decided only after full-fledged trial. Such a finding is contrary to the settled position of law, as the scope of Order VII Rule 11 CPC is confined to an examination of the averments made in the plaint alone, and if from the plaint itself the suit appears to be barred by law or does not disclose a cause of action, the plaint is liable to be rejected at the threshold. Learned counsel further submits that the plaintiff does not have a valid cause of action to institute the suit, which is evident from the very facts pleaded in the plaint. Similarly, the court fee has not been affixed in accordance with the relief actually sought, and therefore, the learned Trial Court ought to have exercised jurisdiction and interfered at the initial stage. So far as the question of limitation is concerned, learned counsel submits that from a plain reading of the averments made in the plaint itself, it is apparent that the suit is *ex facie* barred by limitation. In such circumstances, there was no justification for the learned Trial Court to defer consideration of these legal issues by observing that they could be decided only during the course of trial. It is



therefore submitted that the impugned order has been passed in clear disregard of the mandate of Order VII Rule 11 CPC, and the learned Trial Court has committed a jurisdictional error in dismissing the applicant's application.

5. I have heard learned counsel for the applicant at length and have carefully perused the pleadings, the application filed under Order VII Rule 11 CPC, and the impugned order passed by the learned Trial Court. The only question which arises for consideration is whether the learned Trial Court committed any illegality or jurisdictional error in rejecting the application under Order VII Rule 11 CPC.
6. It is a well-settled principle of law, reiterated time and again by the Hon'ble Supreme Court, that while adjudicating an application under Order VII Rule 11 CPC, the Court is required to examine only the averments made in the plaint and the documents relied upon by the plaintiff. At this stage, the defence set up by the defendant or the correctness of the plaintiff's case on merits is wholly irrelevant.
7. Equally well settled is the principle that a cause of action is a bundle of facts which gives the plaintiff a right to seek relief from the Court. So long as the plaint discloses some cause of action, the sufficiency or truthfulness of such cause of action cannot be gone into at the threshold. In the present case, a meaningful reading of the plaint shows that the plaintiff has pleaded execution



of an agreement, readiness and willingness, and alleged breach on the part of the defendant. These averments, taken at face value, are sufficient to disclose a triable cause of action, and therefore, the plaint cannot be rejected on this ground at the initial stage.

8. So far as the objection relating to valuation and court fee is concerned, it is settled law that if the court is of the opinion that the plaint is undervalued or that the court fee paid is insufficient, the proper course is to grant an opportunity to the plaintiff to correct the valuation or make good the deficit court fee, as contemplated under the Code of Civil Procedure. Deficiency of court fee by itself is not a ground for rejection of the plaint at the threshold, unless the plaintiff fails to comply with the directions of the Court.
9. With regard to the plea of limitation, it is equally well established that limitation is generally a mixed question of law and fact. Unless the suit is demonstrably barred by limitation on a plain reading of the plaint itself, without the necessity of leading evidence, the issue of limitation cannot be decided while considering an application under Order VII Rule 11 CPC. In the present case, the plaint does not unequivocally show that the suit is barred by limitation. Determination of limitation would require examination of facts and evidence, which can only be undertaken after framing of issues.



10. The learned Trial Court, upon considering the plaint averments, has rightly concluded that the objections raised by the applicant involve disputed questions of fact and mixed questions of law and fact, which cannot be adjudicated at the stage of Order VII Rule 11 CPC. The approach adopted by the Trial Court is in consonance with the settled legal position and does not suffer from any perversity or jurisdictional error.
11. The scope of interference by this Court in revision against an order refusing to reject a plaint is limited. Unless the impugned order is shown to be patently illegal, perverse, or without jurisdiction, interference is not warranted. In the present case, no such ground is made out.
12. In view of the aforesaid discussion, this Court is of the considered opinion that the learned Trial Court has rightly exercised its jurisdiction in dismissing the application under Order VII Rule 11 CPC. The impugned order does not call for any interference.
13. Accordingly, the revision is **dismissed**.
14. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge