



2026:CGHC:12502

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CR No. 72 of 2026**

1 - Suresh Kumar Sahu S/o Maganlal Sahu Aged About 49 Years R/o Near Memoriyal School, Tarbahar, Sirgitti, Bilaspur, Distt. Bilaspur, Chhattisgarh.

... Applicant**versus**

1 - Sushma Sahu W/o Late Dinesh Sahu Aged About 48 Years R/o Mahima Nagar, Sirgitti, Bilaspur, Distt. Bilaspur, Chhattisgarh.

2 - Sushma Pandey R/o Shivvihar Mahmand, P.O. Mahmand, Bilaspur, Distt. Bilaspur, Chhattisgarh.

3 - Mangal Bai Lahre R/o Gurughasidas Mandir Ke Pas, Tarbhar, Bilaspur, Distt. Bilaspur, Chhattisgarh.

4 - Md. Ikramul Hak R/o Rani Laxmi Nagar, Near Garibnvaj Masjid, Bilaspur, Tahsil And Distt. Bilaspur, Chhattisgarh.

5 - Jitendra Kumar Dewangan R/o Village Semra, P.O. Semra, Tehsil Nagari, Distt. Dhamtari, Chhattisgarh.

6 - Anita Nirmalkar R/o Village Nariyara, P.O. Nariyara, Akaltara, Distt. Janjgir Champa, Chhattisgarh.

7 - Sanjay Tripathi R/o Village Nariyara, P.O. Akaltara, Distt. Janjgir Champa, Chhattisgarh.

8 - Shiv Kumar Nirmalkar R/o Katiyapara, Juna Bilaspur, Tahsil And Distt. Bilaspur, Chhattisgarh.

9 - Ayush Nirmalkar R/o Village Nariyara, P.O. Nariyara, Akaltara, Distt. Janjgir Champa, Chhattisgarh.

10 - Nitesh Kumar Rathor R/o Village Nariyara, P.O. Nariyara, Akaltara, Distt. Janjgir Champa, Chhattisgarh.

11 - Asha Devi Rathor R/o Village Nariyara, P.O. Nariyara, Akaltara, Distt. Janjgir Champa, Chhattisgarh.



12 - Anjulata Karsh R/o Village Rajpur, P.O. Rajpur, Tahsil Takhatpur, Distt. Bilaspur, Chhattisgarh.

13 - State Of Chhattisgarh Through Collector, Bilaspur, Distt. Bilaspur, Chhattisgarh.

... Respondent(s)

(Cause-title is taken from Case Information System)

For Applicant : Mr. Anand Kesharwani, Advocate

For State : Mr. Ashutosh Shukla, Panel Lawyer

(Hon'ble Shri Amitendra Kishore Prasad, Judge)

Order on Board

16/03/2026

1. The applicant has preferred the present revision petition under Section 115 of the Code of Civil Procedure being aggrieved by order dated 06.12.2025 (Annexure A-1), passed by the learned 6th District Judge, Bilaspur, District Bilaspur (C.G.), in Civil Suit (A) No. 108/2024, whereby the application filed by defendant No. 1 under Order VII Rule 11(a) and (c) read with Section 151 of the Code of Civil Procedure, 1908 has been rejected, hence, the present revision is being preferred.
2. The facts of the case, in brief, are that the plaintiff/non-applicant No. 1 instituted a civil suit seeking declaration of title, permanent injunction, partition, and possession against the present applicant (defendant No. 1) and non-applicant Nos. 2 to 13. As per the averments made in the plaint, the plaintiff is the sister-in-law (bhabhi) of defendant No. 1/applicant, and the husband of the plaintiff and the applicant are real brothers. It is further averred that the plaintiff and her husband had jointly purchased certain



immovable properties bearing Khasra No. 78/12, admeasuring 0.344 hectare, and Khasra No. 85/2, admeasuring 0.1940 hectare, situated at Village Kadar, P.H. No. 07, Tahsil Belha, District Bilaspur (C.G.), from one Anjor Bai vide a registered sale deed dated 08.02.2021, and their names were subsequently mutated in the revenue records as owners. It is further the case of the plaintiff that her husband, namely Dinesh Sahu, died on 19.04.2021. After his death, the name of the plaintiff came to be recorded in the revenue records along with the name of her brother-in-law (devar), i.e., the present applicant. The plaintiff has further stated that, upon the request of the applicant, she executed a power of attorney dated 23.02.2022 in his favour, authorizing him to deal with and sell the suit property. The plaintiff has further alleged that after obtaining the said power of attorney, the applicant/defendant No. 1, without informing her, proceeded to sell the suit properties to defendant Nos. 2 to 12 by executing separate sale deeds. Upon gaining knowledge of the said transactions, the plaintiff filed the aforesaid civil suit seeking, inter alia, declaration and cancellation of the said sale deeds, along with other consequential reliefs.

3. Upon service of notice in the suit, the applicant/defendant No. 1 filed an application under Order VII Rule 11(a) and (c) read with Section 151 of the Code of Civil Procedure, 1908, seeking rejection of the plaint. It was contended that the suit was not maintainable on account of improper valuation and insufficient



payment of Court fees. It was further contended that the plaintiff had sought declaration that as many as eleven sale deeds be declared null and void without properly disclosing a cause of action, thereby attracting the provisions of Order VII Rule 11(a) CPC, and accordingly, prayed for rejection of the plaint at the threshold. In response thereto, the plaintiff filed her reply dated 20.03.2025, denying the averments made in the said application. The plaintiff asserted that the suit had been properly valued in accordance with Section 7(4)(c) of the Indian Court Fees Act, 1970, and that the requisite Court fees had been duly paid. It was further contended that since all the impugned sale deeds pertained to the same property and arose out of a common cause of action, the suit was maintainable in its present form, and therefore, the application filed by the applicant deserved to be dismissed. Thereafter, by order dated 06.12.2025, the learned trial Court, upon consideration of the pleadings and material available on record, rejected the application filed by the applicant under Order VII Rule 11 CPC. The Court held that the plaintiff had properly valued the suit and paid the requisite Court fees in accordance with the applicable provisions of the Indian Court Fees Act. It was further held that the suit arose out of a common cause of action and was, therefore, maintainable. Being aggrieved by the said order, the present civil revision has been preferred.

4. Learned counsel for the applicant submits that the impugned order dated 06.12.2025 (Annexure A-1) passed by the learned



Court below is illegal, arbitrary, and contrary to the settled principles of law, as well as the facts and circumstances of the present case. It is contended that the learned trial Court has failed to properly appreciate the provisions of law and the pleadings on record while rejecting the application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908. It is further submitted that, upon a bare perusal of the plaint and the provisions contained under Section 7(4)(c) of the Indian Court Fees Act, it is evident that the plaintiff has not properly valued the suit and has failed to pay the requisite Court fees in accordance with law. In such circumstances, the suit itself is not maintainable, and the learned Court below has committed a grave error in holding otherwise and rejecting the application of the applicant. Learned counsel for the applicant also contends that the learned Court below failed to consider that, as per the averments made in the plaint, the plaintiff herself has stated that the applicant had executed as many as eleven separate sale deeds in favour of different persons on different dates. This clearly demonstrates that the alleged cause of action, if any, arose on different occasions and cannot be said to be a single or continuous cause of action. Therefore, the filing of a single composite suit challenging all the said sale deeds is not maintainable in law. It is further argued that as per the provisions of Order VII Rule 11(a) and (c) of the Code of Civil Procedure, a plaint is liable to be rejected where it does not disclose a cause of action or where the relief claimed is



undervalued and the requisite Court fee has not been paid. In the present case, the plaintiff has neither properly disclosed a valid cause of action in respect of all the impugned transactions nor paid the appropriate court fees in accordance with the valuation of the suit, thereby attracting the provisions of rejection of plaint. Learned counsel further submits that the learned trial Court has failed to appreciate these material aspects and has erroneously held the suit to be maintainable. In view of the foregoing submissions, it is prayed that this Court may be pleased to allow the present revision and set aside/quash the impugned order dated 06.12.2025 (Annexure A-1) passed by the learned 6th District Judge, Bilaspur, District Bilaspur (C.G.) in Civil Suit (A) No. 108/2024, in the interest of justice.

5. Per contra, learned State counsel supports the impugned order and submits that the same has been passed after due consideration of the pleadings and applicable provisions of law, and thus warrants no interference in the present revision. It is contended that the plaint clearly discloses a valid and subsisting cause of action, inasmuch as all the impugned sale deeds have been executed by the applicant on the strength of a common power of attorney and relate to the same property, thereby constituting a continuous and composite cause of action. It is further submitted that the suit has been properly valued in accordance with Section 7(4)(c) of the Indian Court Fees Act and the requisite Court fees have been duly paid. The contention of



the applicant regarding improper valuation is misconceived and has rightly been rejected by the learned trial Court. It is thus argued that the application under Order VII Rule 11 CPC was devoid of merit and has been rightly dismissed. Accordingly, it is prayed that the present revision, being without substance, deserves to be dismissed.

6. I have heard learned counsel for the parties at length and have perused the material available on record.
7. The present revision arises out of an order whereby the learned trial Court has rejected the application filed by the applicant/defendant No. 1 under Order VII Rule 11(a) and (c) read with Section 151 of the Code of Civil Procedure, 1908. The primary contention of the applicant is that the plaint does not disclose a proper cause of action and that the suit has not been properly valued for the purposes of court fees.
8. At this juncture, it is apposite to consider the scope and ambit of Order VII Rule 11 of the Code of Civil Procedure. It is well settled principle of law that while deciding an application under Order VII Rule 11 CPC, only the averments made in the plaint are required to be seen. Neither the grounds raised in the application nor the defence taken by the defendant can be looked into at that stage. The Court is required to examine the plaint as a whole and determine whether it discloses a cause of action or suffers from any of the infirmities as contemplated under the said provision.



9. Hon'ble Supreme Court in the matter of **Saleem Bhai v. State of Maharashtra**, reported in **(2003) 1 SCC 557** has held as under :

“9. A perusal of Order 7 Rule 11 CPC makes it clear that the relevant facts which need to be looked into for deciding an application thereunder are the averments in the plaint. The trial court can exercise the power under Order 7 Rule 11 CPC at any stage of the suit — before registering the plaint or after issuing summons to the defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Rule 11 of Order 7 CPC, the averments in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage, therefore, a direction to file the written statement without deciding the application under Order 7 Rule 11 CPC cannot but be procedural irregularity touching the exercise of jurisdiction by the trial court. The order, therefore, suffers from non-exercising of the jurisdiction vested in the court as well as procedural irregularity. The High Court, however, did not advert to these aspects.

10. Likewise, in the recent judgment of Hon'ble Supreme Court in the matter of **Vinod Infra Developers Ltd. V. Mahaveer Lunia**, reported in **2025 SCC OnLine SC 1208**, it has been held as under:

“8. The position of law is that rejection of a plaint under Order VII Rule 11 CPC



is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped. At this preliminary stage, the court is required to confine its examination strictly to the averments made in the plaint and not venture into the merits or veracity of the claims. If any triable issues arise from the pleadings, the suit cannot be summarily rejected. Keeping in mind this settled principle of law, we proceed to examine whether the High Court was justified in rejecting the plaint under Order VII Rule 11 CPC.”

11. The further contention of the applicant that the suit is not maintainable as the impugned sale deeds were executed on different dates also does not impress this Court at this stage. The issue as to whether the cause of action is single, continuous, or distinct is a mixed question of law and fact, which requires appreciation of evidence and cannot be conclusively determined merely on the basis of an application under Order VII Rule 11 CPC.

12. In the matter of **Mayar (H.K.) Ltd. v. Vessel M.V. Fortune Express**, reported in **(2006) 3 SCC 100**, Hon’ble Supreme Court has held as under :

“12. From the aforesaid, it is apparent that the plaint cannot be rejected on the basis of the allegations made by the defendant in his written statement or in



an application for rejection of the plaint. The court has to read the entire plaint as a whole to find out whether it discloses a cause of action and if it does, then the plaint cannot be rejected by the court exercising the powers under Order 7 Rule 11 of the Code. Essentially, whether the plaint discloses a cause of action, is a question of fact which has to be gathered on the basis of the averments made in the plaint in its entirety taking those averments to be correct. A cause of action is a bundle of facts which are required to be proved for obtaining relief and for the said purpose, the material facts are required to be stated but not the evidence except in certain cases where the pleadings relied on are in regard to misrepresentation, fraud, wilful default, undue influence or of the same nature. So long as the plaint discloses some cause of action which requires determination by the court, the mere fact that in the opinion of the Judge the plaintiff may not succeed cannot be a ground for rejection of the plaint. In the present case, the averments made in the plaint, as has been noticed by us, do disclose the cause of action and, therefore, the High Court has rightly said that the powers under Order 7 Rule 11 of the Code cannot be exercised for rejection of the suit filed by the plaintiff-appellants. So far as the contention of the applicant regarding absence of cause of action is concerned, a plain reading of the plaint indicates that the plaintiff has categorically pleaded that the applicant, on the basis of a power of attorney, executed multiple sale deeds in favour of different



purchasers without her knowledge or consent, thereby affecting her rights in the suit property. These averments, taken at their face value, do disclose a cause of action for filing the suit seeking declaration and other consequential reliefs. Whether the said averments are ultimately proved or not is a matter of evidence and cannot be adjudicated at the threshold while deciding an application under Order VII Rule 11 CPC.”

13. Very recently, a Division Bench of High Court of Delhi in the matter of **Krishan Kumar Vats v. Shri Shobha Ram Vats**, reported in **2025 DHC 10981 DB** held as under:

“24. On a perusal of the above-mentioned paragraph, it is evident that the Plaintiff, while instituting the suit, has disclosed a cause of action. Rejection of a plaint under Clause (a) of Order VII Rule 11 of the CPC is warranted only where the plaint, on its face, does not disclose any cause of action. The cause of action comprises the bundle of facts pleaded by the Plaintiff, which form the basis for initiating the proceedings. Judicial precedent recognises that if, upon a meaningful and not merely formal reading of the plaint, the Court concludes that no cause of action is made out, the power under Clause (a) may be invoked. However, such meaningful reading does not empower the Court to embark upon a fact-finding exercise or to render determinations on disputed facts. These issues can be adjudicated only after the parties are



afforded an opportunity to lead evidence in accordance with the established procedure of a civil trial.”

(emphasis supplied)

14. With regard to the objection relating to valuation and payment of Court fees, the learned trial Court has recorded a finding, upon consideration of the plaint and relevant provisions of the Indian Court Fees Act, that the suit has been properly valued and requisite Court fees have been paid. This Court does not find any patent illegality or perversity in the said finding so as to warrant interference in exercise of revisional jurisdiction. It is also well settled that the revisional jurisdiction under Section 115 CPC is limited in scope and can be exercised only where there is a jurisdictional error, material irregularity, or patent illegality in the order impugned. In the present case, no such error is made out. In view of the foregoing discussion, this Court is of the considered opinion that the learned trial Court has rightly rejected the application filed by the applicant under Order VII Rule 11 CPC. The impugned order does not suffer from any illegality, arbitrariness, or perversity.
15. It is well settled principle of law that while deciding an application under Order VII Rule 11 CPC, only the plaint averments are required to be seen. Neither the grounds raised in the application nor any defence raised by the defendant is required to be considered. Further, the issue of cause of action, insofar as



disputed facts are concerned, is to be adjudicated by the trial Court during the course of trial and not at the threshold while entertaining an application under Order VII Rule 11 CPC.

16. Accordingly, the civil revision, being devoid of merit, deserves to be and is hereby dismissed.

No order as to costs.

Sd/-

(Amitendra Kishore Prasad)

JUDGE

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