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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.R.P. 106/2025 & CM APPL. 21285/2025**

RASHMI GARG & ORS.

.....Petitioners

Through: Mr. Ashish Mohan, Sr. Adv. with Mr.
Hasn Ahuja and Mr. Rishabh Saxena,
Adv.

versus

SULEKH CHAND SINGHAL & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **09.04.2025**

CM Appl.21286/2025*[Exemption from filing certified/typed copies]*

1. Allowed, subject to the Petitioners filing certified/typed copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

C.R.P. 106/2025 & CM Appl. 21285/2025*[Stay]*

3. The present Petition has been filed under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 (CPC) impugning the order dated 24.03.2025 [hereinafter referred to as "Impugned Order"] passed by the learned SCJ-cum-RC, Tis Hazari Courts, Delhi. By the Impugned Order, the Application under Order VII Rule 11 of the CPC filed by the Petitioner (Defendant No. 4 before the learned Trial Court) has been dismissed.
4. Learned Senior Counsel for the Petitioners submits that the learned Trial Court on one hand gave a finding that the Petitioners (Defendant Nos.2 to 4 before the learned Trial Court) have disputed a simplicitor suit for injunction is not maintainable in terms of the judgment of the Supreme



Court in **Anathula Sudharkar vs. P. Buchi Reddy (Dead) by LRs and Others**; (2008) 4 SCC 594. While on the other hand, the learned Trial Court has given an opportunity to the Plaintiff to amend the plaint to make the suit comprehensive. Reliance is placed upon the following extract of the Impugned Order:

“14. Admittedly, defendants no. 2 to 4 have disputed the title of the plaintiff w.r.t. at least a portion of suit property. Defendant no. 2 to 4 claim to derive their title through plaintiff himself. Both parties are similarly situated as none of them claim title through registered sale deed but on basis of GPA, Will etc. Since the title of the Plaintiff is disputed, suit for injunction simpliciter is not maintainable in view of judgment of Hon’ble Supreme Court in Anathula Sudhakar v. P. Buchi Reddy.

15. One opportunity is given to the plaintiff to amend the plaint to make the suit comprehensive as per the judgment of Hon’ble Supreme Court in Anathula Sudhakar v. P. Buchi Reddy and also to include the description of the property as required u/o VII Rule 3 CPC...”

5. Learned Senior Counsel for the Petitioners submits that the language of Order VII Rule 11 of the CPC is mandatory in nature and the provisions has to be interpreted as such. He submits that once the Court finds that the plaint is deficient or barred by one of the provisions of Order VII Rule 11 of the CPC, then the Court does not have the power to pass an order directing the amendment of the plaint to make it in consonance with law.

6. Issue Notice. On steps being taken, let Notice be issued to the Respondents *via* all modes. An affidavit of service be filed within a week.

7. The parties shall file their respective written synopsis, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

7.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of



law that it sets forth.

8. In the meantime, and till the next date of hearing, the proceedings before the learned Trial Court shall remain stayed.

9. List on 23.05.2025.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 9, 2025/r

[Click here to check corrigendum, if any](#)