

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

CIVIL REVISION PETITION NO: 916 OF 2026

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 13/02/2026 passed in I.A.No.505 of 2025 in OS No.215 of 2024 on the file of the I Additional District and Sessions Judge-cum-Additional Family Court Judge, Medchal-Malkajgiri District, at Kushaiguda.

Between:

Ramesh Gaikwad, S/o. Mr. Hanmanth Rao Gaikwad, Age 55 years,
Occ. Business, R/o. H.No.8-3-720/14, Subhashnagar, Yellareddyguda,
Ameerpet, Hyderabad.

...Petitioner / Petitioner / Defendant

AND

Dr. Padmashri Dream Project Pvt. Ltd., A Company incorporated under the Companies Act, 1956 Having its Regd. Office at H.No.37-126/1/ 1, Sri Colony, Neredmet X Road, Hyderabad - 500 056 Rep. by its Chairman and Managing Director, Dr. Pitla sreen Raj.

...Respondent / Respondent / Plaintiff

I.A. NO: 1 OF 2026

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in O.S.No.215 of 2024 on the file of the I Additional District and Sessions Judge - Cum - Additional Family Court Judge, Medchal-Malkajgiri District, at Kushaiguda, Pending the final disposal of the main CRP.

Counsel for the Petitioner: SRI CH JANARDHAN REDDY

**Counsel for the Respondent: SRI M SURENDER RAO, SR.COUNSEL
REPRESENTING SRI VIJAY B PAROPAKARI**

The Court made the following: ORDER

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

HON'BLE SRI JUSTICE K. LAKSHMAN

CIVIL REVISION PETITION No.916 OF 2026

Date: 01.05.2026

Between:

Ramesh Gaikwad.

....Revision Petitioner/Defendant

AND

Dr.Padmashri Dream Project Pvt. Ltd.

....Respondent/Plaintiff

ORDER: *(Per Hon'ble Sri Justice K. Lakshman)*

Heard Sri Ch. Janardhan Reddy, learned counsel for the petitioner: Sri M.Surender Rao, learned Senior Counsel representing Sri Vijay B. Paropakari, learned counsel for the respondent.

2. This civil revision petition is filed under Article 227 of the Constitution of India assailing the order dated 13.02.2026 passed in I.A.No.505.2025 in O.S.No.215 of 2024 by the learned I Additional District & Sessions Judge-cum-Additional Family Court Judge, Medchal-Malkajgiri District, at Kushaiguda (for short, 'trial Court').

3. The respondent/plaintiff has filed a suit *vide* O.S.No.215 of 2024 against the petitioner/defendant for defamation, damages of Rs.1.00 crore and also for perpetual injunction.

4. During pendency of the said suit, the petitioner herein/defendant has filed I.A.No.505 of 2025 in O.S.No.215 of 2024 under Order VII Rule 11(a) of CPC to reject the plaint contending that there is no cause of action in the plaint, the notice dated 28.08.2024 was not addressed to the respondent/plaintiff and it was addressed to Smt. Shirely Rush Ernest W/o. Moses Avinash Ernest through his counsel. Therefore there is no cause of action at all and the plaint has to be rejected. The respondent/plaintiff has filed counter opposing the said application contending that the cause of action is a mixed question of law and fact. It is triable. On the said ground, the plaint cannot be rejected. Moreover, the plaintiff has specifically pleaded with regard to cause of action.

5. *Vide* order dated 13.02.2026, the learned trial Court dismissed I.A.No.505 of 2025 holding that the petitioner herein failed to establish any ground to reject the plaint. Challenging the said order, the petitioner/defendant has filed the present civil revision petition.

6. This Court heard learned counsel for the petitioner, learned Senior Counsel appearing for the respondent at length. This Court also gave thoughtful consideration of their submissions.

7. As discussed supra, I.A.No.505 of 2025 is filed under Order VII Rule 11(a) of CPC seeking to reject the plaint. Therefore the aforesaid provision is relevant and it is extracted hereunder:

“11. Rejection of plaint.

The plaint shall be rejected in the following cases:

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

(c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;

(d) where the suit appears from the statement in the plaint to be barred by any law;

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9.”

Therefore plaint can be rejected on the aforesaid grounds. But, the Hon'ble Apex Court has laid down certain parameters to reject the plaint in terms of Order VII Rule 11 of CPC in

Dahiben v. Arvindbhai Kalyanji Bhanusali¹ and Indian Evangelical Lutheran Church Trust Association v. Sri Bala².

8. In **Dahiben¹**, the Hon'ble Apex Court considered the scope and ambit of Order - VII, Rule - 11 of CPC and held as under:

"23.2. The remedy under Order 7 Rule 11 is an independent and special remedy, wherein the court is empowered to summarily dismiss a suit at the threshold, without proceeding to record evidence, and conducting a trial, on the basis of the evidence adduced, if it is satisfied that the action should be terminated on any of the grounds contained in this provision.

23.3. The underlying object of Order 7 Rule 11(a) is that if in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11(d), the court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted.

23.4. In *Azhar Hussain v. Rajiv Gandhi* [1986 Supp SCC 315. Followed

¹2020 7 SCC 366

²2025 INSC 42

in *Manvendrasinhji Ranjitsinhji Jadeja v. Vijaykunverba*, 1998 SCC OnLine Guj 281 : (1998) 2 GLH 823/ this Court held that the whole purpose of conferment of powers under this provision is to ensure that a litigation which is meaningless, and bound to prove abortive, should not be permitted to waste judicial time of the court, in the following words : (SCC p. 324, para 12)

12. ... The whole purpose of conferment of such powers is to ensure that a litigation which is meaningless, and bound to prove abortive should not be permitted to occupy the time of the court, and exercise the mind of the respondent. The sword of Damocles need not be kept hanging over his head unnecessarily without point or purpose. Even in an ordinary civil litigation, the court readily exercises the power to reject a plaint, if it does not disclose any cause of action."

23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated in Order 7 Rule 11 are required to be strictly adhered to."

9. In **Indian Evangelical Lutheran Church Trust Association²**,
the Hon'ble Apex Court held as under:

“Legal Framework:

Order VII Rule 11 of the Code:

6. Since the issue in this appeal pertains to the correctness or otherwise of the impugned orders refusing rejection of the plaint, at this stage, we deem it necessary to refer to Order VII Rule 11 of the Code which deals with the grounds for rejection of a plaint:

“11. Rejection of plaint:- The plaint
shall be rejected in the following cases-

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate;
- (f) where the plaintiff fails to comply with the provision of rule 9:

Provided that the time fixed by the Court
for the correction of the valuation or supplying of
the requisite stamp-paper shall not be extended
unless the Court, for reasons to be recorded, is

satisfied that the plaintiff was prevented by any cause of an exceptional nature for correcting the valuation or supplying the requisite stamp-paper, as the case may be, within the time fixed by the Court and that refusal to extend such time would cause grave injustice to the plaintiff."

6.1 In the instant case, an application was filed under Order VII Rule 11(d) of the Code where the ground of rejection of the plaint was that the suit appears from the statement in the plaint to be barred by any law. In this regard, our attention was drawn to various decisions of this Court with regard to rejection of plaint under Order VII Rule 11 of the Code which are as follows:

- (i) In *T. Arivandandam vs. T.V. Satyapal*, (1977) 4 SCC 467, this Court while examining the aforesaid provision has held that the trial court must remember that if on a meaningful and not a formal reading of the plaint it is manifestly vexatious and meritless in the sense of not disclosing a clear right to sue, it should exercise the power under Order VII Rule 11 of the Code taking care to see that the ground mentioned therein is fulfilled. If clever drafting has created the illusion of a cause of action, it has to be nipped in the bud at the first hearing by examining the party searchingly under

Order X of the Code, as observed by Krishna Iyer, J.

- (ii) The object of the said provision was laid down by this Court in *Sopan Sukhdeo Sable vs. Assistant Charity Commisioner*, (2004) 3 SCC 137. Similarly, in *Popat and Kotecha Property vs. State Bank of India Staff Association*, (2005) 7 SCC 510, this Court has culled out the legal ambit of Order VII Rule 11 of the Code.
- (iii) It is trite law that not any particular plea has to be considered, but the whole plaint has to be read. As was observed by this Court in *Roop Lal Sathi vs. Nachhattar Singh Gill*, (1982) 3 SCC 487, only a part of the plaint cannot be rejected and if no cause of action is disclosed, the plaint as a whole must be rejected. Similarly, in *Raptakos Brett & Co. Ltd. vs. Ganesh Property*, (1998) 7 SCC 184, it was observed that the averments in the plaint as a whole have to be seen to find out whether clause (d) of Rule 11 Order VII of the Code is applicable.
- (iv) It was further held with reference to Order VII Rule 11 of the Code in *Saleem Bhai vs. State of Maharashtra*, (2003) 1 SCC 557 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 at any stage of the suit i.e. 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 Order VII Rule 11 of the Code, the averments in the plaint are germane; the pleas taken by the defendant in the written statement would be wholly irrelevant at that stage.

- (v) In *R.K. Roja vs. U.S. Rayudu*, (2016) 14 SCC 275, it was reiterated that the only restriction is that the consideration of the application for rejection should not be on the basis of the allegations made by the defendant in his written statement or on the basis of the allegations in the application for rejection of the plaint. The court has to consider only the plaint as a whole, and in case the entire plaint comes under the situations covered by Order VII Rules 11(a) to (f) of the Code, the same has to be rejected.
- (vi) In *Kuldeep Singh Pathania vs. Bikram Singh Jaryal*, (2017) 5 SCC 345, this Court observed that the court can only see whether the plaint, or rather the pleadings of the plaintiff, constitute a cause of action. Pleadings in the sense where, even after the stage of written statement, if there is a replication filed, in a given situation the same also can be looked into to see whether there is any admission on the part of the plaintiff. In other words, under Order VII Rule 11, the court has to take a decision looking at the pleadings of the plaintiff only and not on the rebuttal made by the defendant or any other materials produced by the defendant.

- (vii) In an application under Order VII Rule 11 of the Code, a plaint cannot be rejected in part. This principle is well established and has been continuously followed since the 1936 decision in *Maqsood Ahmad vs. Mathra Datt & Co. AIR 1936 Lah 1021*. This principle is also explained in another decision of this Court in *Sejal Glass Ltd. vs. Navilan Merchants Private Ltd., (2018) 11 SCC 780* which was again followed in *Madhav Prasad Aggarwal vs. Axis Bank Ltd., (2019) 7 SCC 158*.
- (viii) In *Biswanath Banik vs. Sulanga Bose, (2022) 7 SCC 731*, this Court discussed the issue whether the suit can be said to be barred by limitation or not, and observed that at this stage, what is required to be considered is the averments in the plaint. Only in a case where on the face of it, it is seen that the suit is barred by limitation, then and then only a plaint can be rejected under Order VII Rule 11(d) of the Code on the ground of limitation. At this stage what is required to be considered is the averments in the plaint. For the aforesaid purpose, the Court has to consider and read the averments in the plaint as a whole.”

10. In the light of the principle laid down in the aforesaid judgments, coming to the facts of this case, the respondent/plaintiff has specifically contended in the plaint that the cause of action has

arisen on 28.08.2024, when the petitioner herein got issued notice to Smt. Shirely Rush Ernest W/o. Moses Avinash Ernest through his counsel, on 06.09.2024, when plaintiff got issued legal notice to the defendant and on 13.09.2024 when the defendant received the said legal notice. Thus, according to the respondent/plaintiff, cause of action arose for filing of the suit only on the petitioner issuing the aforesaid legal notice dated 28.08.2024 to Smt. Shirely Rush Ernest W/o. Moses Avinash Ernest through his counsel. Therefore, the respondent/plaintiff has filed the aforesaid suit for defamation and also for damages. Thus, the respondent/plaintiff has specifically pleaded with regard to the cause of action.

11. The contention of the learned counsel for the petitioner/defendant is that there is no cause of action, the said notice dated 28.08.2024 is not addressed to the respondent/plaintiff and it was addressed to Smt. Shirely Rush Ernest W/o. Moses Avinash Ernest through his counsel. The plaintiff company has passed Board Resolution only on 07.09.2024. Therefore, the plaint has to be rejected.

12. It is settled principle of law that while considering an application filed under Order VII Rule 11 of CPC, the Court has to

consider the contents of the plaint and also the documents filed along with the plaint. Other aspects cannot be considered. Thus, cause of action is a mixed question of law and fact. In fact, it is bundle of facts. It will be considered only after full-fledged trial in the suit.

13. On consideration of the said aspects and also the principle laid down by the Hon'ble Apex Court in **Dahiben** (supra) and other judgments, the learned trial Court dismissed the aforesaid application filed by the petitioner. The impugned order is reasoned and well formed order. The petitioner herein/defendant failed to make out any case to interfere with the impugned order dated 13.02.2026 and the civil revision petition is liable to be dismissed and is accordingly dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

**SD/- C.DEEPIKA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District and Sessions Judge-cum-Additional Family Court Judge, Medchal-Malkajgiri District, at Kushaiguda.
2. One CC to Sri Ch Janardhan Reddy Advocate [OPUC]
3. One CC to Sri Vijay B Paropakari, Advocate [OPUC]
4. Two CD Copies

ABK/GNK

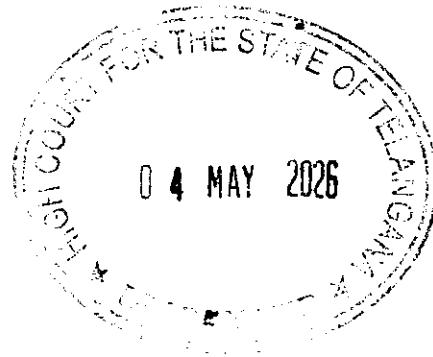
(Signature)

HIGH COURT

DATED: 01/05/2026

ORDER

CRP.No.916 of 2026



DISMISSING THE CRP WITHOUT COSTS

6
04/05/26
P.S.