

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 74/2026

Mrs. Mooli Devi W/o Late Shri Shankar Lal Sharma, Aged About 83 Years, R/o 23 Jobner Bagh, Pareek Collage Road, Jaipur Rajasthan.

-----Petitioner

Versus

1. Mukesh Mundara S/o Dr. Moolchand Mundara, Aged About 51 Years, R/o Flat No. S-2, Second Floor, Grand Residency, Plot No. 89, Indraprasth Colony, Vaishali Nagar, Jaipur.
2. Mrs. Sheetal Mundara W/o Shri Mukesh Mundara, Aged About 49 Years, R/o Flat No. S-2, Second Floor, Grand Residency, Plot No. 89, Indraprasth Colony, Vaishali Nagar, Jaipur.
3. M/s Grand Infra Projects Pvt Ltd, Through Director Registered Address Maiznine Floor, G-7 Jaipur Tower, M.I. Road, Jaipur
4. Sanjay Rawat S/o Sh Chandra Prakash Rawat, Aged About 50 Years, Resident Of C-16, Subhash Colony, Shastri Nagar, Jaipur Office Address M/s Grand Infra Projects Pvt Ltd. Registered Address Office Maiznine Floor, G-7 Jaipur Tower, M.I. Road, Jaipur
5. Rajeev Sharma S/o Late Shankar Lal Sharma, Resident Of 23 Jobner Bagh, Pareek Collage Road, Jaipur Rajasthan, Mob. No.9828020365
6. Shiv Kumar Chodhary S/o Sh Hanuman Chodhary, Aged About 45 Years, Resident Flat No G-1, Ground Floor, Grand Residency, Plot No 89, Inderpasth Colony, Vashali Nagar, Jaipur Raj.
7. Sanjay Kumar S/o Sh. Kailash Chand, Aged About 44 Years, Resident Flat No G-2 Ground Floor, Grand Residency, Plot No 89, Inder Pasth Colony, Vashali Nagar, Jaipur Raj
8. Smt. Mamta Mital W/o Sh. Sanjay Kumar, Aged About 36 Years, Flat No G-2 Ground Floor, Grand Residency, Plot No 89, Inderpasth Colony, Vashali Nagar, Jaipur Raj
9. Hemant Kumar Tak S/o Sh. Atma Ram Tak, Aged About

53 Years, Resident Of Flat No S-1 Ground Floor, Grand Residency, Plot No 89, Inderpasth Colony, Vashali Nagar, Jaipur Raj

10. Nitin Chug S/o Late Krashan Kant Chug, Aged About 42 Years, Flat No F-2 Ground Floor, Grand Residency, Plot No 89, Inderpasth Colony, Vashali Nagar, Jaipur Raj
11. Incharge Police Station, Chitrakoot, Vaishali Nagar, Jaipur
12. Dy. Registrar, No. VII, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Anand Sharma on behalf of Mr. Arvind Kumar Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

25/02/2026

1. The present revision petition has been filed by the petitioner under Section 115 of the Code of Civil Procedure, 1908, assailing the impugned order dated 28.10.2025, passed by learned Additional Civil Judge and Judicial Magistrate No.3, Jaipur Metropolitan - II, Jaipur, in the Civil Suit No.67/2023 (CIS No.330/2023) titled as '*Mukesh Mundra Vs. M/s. Grand Infra Project*', whereby the petitioner's application filed under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC), was rejected.
2. Learned counsel for the petitioner submits that a perusal of the averments of the plaint clearly shows that the suit has been filed as a representative suit without obtaining the leave of this Court. Thus, the suit is barred by law. He further submits that the plaintiffs/respondents have claimed easementary rights over the common basement and roof of the suit property, while describing

themselves as the servient owners, which amounts to an implicit admission that the defendants are the dominant owners. He further submits that the suit, without a prayer for declaration, is not maintainable in its present form. He also submits that the suit seeks only a simpliciter injunction and no declaration has been sought; therefore, the learned Court below seriously erred in rejecting the petitioner's application filed under Order 7 Rule 11 CPC. He accordingly submits that the impugned order dated 28.10.2025 is unsustainable in the eyes of law.

3. Heard and considered the submissions made by learned counsel for the petitioner as well as perused the averments made in the plaint, copy of the application under Order 7 Rule 11 CPC, and reply thereto.

4. It would be apt to reproduce Order 7 Rule 11 CPC, which reads as under:-

"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 provisions 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 from 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.] "

5. From a bare perusal of the plaint, it is reflected that the present suit for permanent injunction has been filed by one of the allottees of "Grand Residency." The plaintiff seeks to restrain defendants Nos. 1 to 3 from creating any hindrance to his peaceful use and occupation of the common areas, common staircase, and roof of the said building.

6. Though in the plaint, the plaintiffs/respondents have prayed for relief for similar allottees, but merely praying for such relief does not entail the plaint to be dismissed under Order 7 Rule 11 of CPC due to alleged non-compliance as mandated under Order 1 Rule 8 of CPC, as the present suit is not a representative suit.

7. Similarly, merely pleading an easementary right and not seeking a declaration does not, by itself, entail the plaint to be rejected under Order 7 Rule 11 of the CPC. The questions raised by the petitioner herein involve mixed questions of fact and law, which can only be determined after the written statement is filed, issues are framed, and evidence is led by the parties.

8. Apart from the above, a bare perusal of the impugned order dated 28.10.2025 reveals that the learned Court below considered the nature of the suit (filed for permanent injunction) and the grounds pleaded therein, and observed that the objections so raised do not fall within the four corners of the specified bars under Order 7 Rule 11 of CPC and can be considered during trial, after framing of necessary issues.

9. In view of the above, this Court is of the considered opinion that the impugned order dated 28.10.2025 does not suffer from any jurisdictional error, perversity, or any legal infirmity so as to warrant any interference by this Court under the jurisdiction conferred under Section 115 of the Code of Civil Procedure, 1908.

10. Accordingly, the present Civil Revision Petition fails and is hereby dismissed.

11. The stay application and all other pending applications, if any, also stand disposed of.

(MANEESH SHARMA),J