

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 116/2026

1. M/s Maya Holiday Resorts Private Limited having Registered office at F-63, Kalidas Marg, Banipark, Jaipur and having other office at Flat No. 303, Kalp Vriksha Apartment, Bihari Marg, Banipark. Jaipur, Rajasthan through Director Shankar Lal Sadhwani
2. Shankar Lal Sadhwani son of Shri Prahalad Rai Sadhwani, aged 77 years, Director M/s Maya Holiday Resorts Private Limited presently residing at Flat No. 303, Kalp Vriksha Apartment, Bihari Marg, Banipark, Jaipur, Rajasthan

-----Petitioner

Versus

1. Girdhari Lal Mankani son of Shri Vaadhupal, aged 56 years, resident of House no. A-81, Monika Vihar Second, Mangyawas, Mansarovar, Jaipur
2. Tehsildar, Tehsil Sanganeer, District Jaipur
3. Sub-Registrar, Bagru, Teshil Sanganeer, District Jaipur
4. State of Rajasthan through District Collector, Jaipur, office Jaipur Collectorate, Banipark, Jaipur

-----Respondent

For Petitioner(s)	:	Mr. Ashok mishra, Advocate Mr. Abhishek Mishra, Advocate Mr. Kiran Parihar, Advocate
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For Respondent(s)	:	
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HON'BLE MR. JUSTICE MANEESH SHARMA

Order

10/03/2026

1. The present revision petition has been filed by the defendant-petitioner assailing the order dated 20.02.2026 passed by Additional District & Sessions Judge, No. 8, Jaipur Metropolitan-II, Jaipur in Civil Suit No. 06/2026 titled as '*Girdhari Lal Mankani & Ors. Vs M/s Maya Holiday Resorts Private Limited & Ors.*' whereby the application filed by the petitioner under Order 7 Rule 11 of CPC has been rejected.

2. Brief facts of the case are that the respondent filed a suit for specific performance, possession and permanent injunction based on an oral contract and in the plaint it has been averred that vide oral agreement dated 30.06.2024, the defendants agreed to sell the suit property to the plaintiff for a total consideration of Rs.16,00,00,000/-, and it was averred that a total of Rs.5,00,00,000/- (Rs.4,00,00,000/- in cash and Rs.1,00,00,000/- through M/s Ganesh Builders and Construction Co.) has been paid to the defendants by the plaintiff. The plaintiff further averred in the plaint that the defendants refused performance of the oral agreement dated 30.06.2024, and while asserting the cause of action in Paragraph No. 13 of the plaint, the plaintiff sought the following reliefs:

"क. यह कि वाद बाबत संविदा की विशिष्ट अनुपालना बहक वादी विरुद्ध प्रतिवादीगण डिक्री किया जावे कि वाद पत्र की मद संख्या 1 में वर्णित कृषि भूमि खात संख्या नया 141 पुराना 147 खसरा नम्बर 210 रकबा 1.3805 हैक्टेयर स्थित राजस्व गांव ठीकरिया पटवार हल्का ठीकरिया भू अभिलेख निरीक्षक क्षेत्र ठीकरिया तहसील सांगानेर जिला जयपुर राज. का मौखिक इकरारनामा दिनांकित 30/6/2024 की पालना में शेष प्रतिफल राशि प्राप्त कर प्रतिवादी क्रम 1 ता 2 से वादी के हक में विक्रय पत्र निष्पादित करवाया जावे तथा प्रतिवादी क्रम 1 ता 2 द्वारा विक्रय पत्र निष्पादित नहीं करवाने की सूरत में माननीय न्यायालय द्वारा वादी के हक में विक्रय पत्र निष्पादित करवाया जाकर मौके पर वास्तविक भौतिक कब्जा सुपुर्द करवाया जावे तथा किसी भी तकनीकी कारण से संविदा की विशिष्ट अनुपालना संभव नहीं होने की सूरत में माननीय न्यायालय वैकल्पिक अनुतोष के रूप में वादी को प्रतिवादी क्रम 1 ता 2 से अग्रिम प्राप्त राशि 50000000/- अक्षरे पांच करोड रुपये दावा दायरी से मय ब्याज दिलवाए जावे।

ख. यह कि वाद बहक वादी विरुद्ध प्रतिवादीगण बाबत स्थाई निषेधाज्ञा डिक्री किया जाकर प्रतिवादी संख्या एक व दो को जरिये स्थाई निषेधाज्ञा से पाबन्द किया जावे कि वाद पत्र की मद संख्या 1 में वर्णित वादग्रस्त कृषि भूमि खाता संख्या नया 141 पुराना 147 खसरा नम्बर 210 रकबा 1.3805 हैक्टेयर स्थित राजस्व गांव ठीकरिया पटवार हल्का ठीकरिया भू अभिलेख निरीक्षक क्षेत्र ठीकरिया तहसील सांगानेर जिला जयपुर राज0 को प्रतिवादी क्रम 1 ता 2 मौखिक इकरारनामा दिनांकित 30/6/2024 के विपरीत किसी भी प्रकार की आवासीय कालानी विकसित नहीं करे भूमि की किस्म में परिवर्तन नहीं करे किसी भी व्यक्ति या संस्था को किसी भी अन्य प्रकार से बेचान अन्तरण नहीं करे उक्त कृत्य प्रतिवादी क्रम 1 ता 2 न तो स्वयं करे न ही अपने ऐजेन्ट सर्वेन्ट हितबद्ध व्यक्ति आदि से करवाए।

ग. यह कि खर्चा वाद वादी को प्रतिवादीगण से दिलवाया जावे।

घ. यह कि अन्य अनुतोष जो वादी के हक में माननीय न्यायालय उचित समझे दिलवाये जावे।"

3. After service in the suit, the defendant-petitioner has filed an application under Order 7 Rule 11 of CPC. The same was contested by the plaintiff by filing a reply to the same.

4. After hearing arguments of the respective parties, the learned Trial Court rejected the said application filed by the petitioner under Order 7 Rule 11 of CPC vide order dated 20.02.2026.

5. Being aggrieved by the order dated 20.02.2026, the petitioner has preferred the present revision petition.

6. Learned counsel for the petitioner submits that the learned Court below erred by not considering the fact that no valid cause of action has been set out in the plaint as required under Order 7 Rule 11(a) of CPC. He further submits that the alleged payment of Rs.4,00,00,000/- in cash is contrary to the provision of Section 269-SS of the Income Tax Act, 1961, therefore, it is reflected that the averments made in the plaint are incorrect. He further submits that prior to filing of the suit, no legal notice was given to the petitioner and that the conduct of the plaintiff reflects that he is not entitled to a decree of specific performance; he therefore submits that the impugned order is unsustainable in the eye of law.

7. In order to buttress his submission, learned counsel for the petitioner places reliance upon the judgment of the Hon'ble Apex Court in the matter of ***The Correspondence, RBANMS Educational Institution Vs. B. Gunashekar and Ors.***¹ and a

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judgment of the High Court Delhi in the matter of **Om Prakash Aggarwal Vs. Raj Kumar Mittal²**.

8. Heard the learned counsel for the petitioner and also perused the material available on record.

9. Before moving forward, it would be apt to reproduce the provisions of Order 7 Rule 11 of CPC, which reads as under:

*"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:

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."

10. From a bare perusal of the record, it is reflected that the respondent filed a suit for specific performance, possession, and permanent injunction based on an oral contract dated 30.06.2024, and while asserting the cause of action in Paragraph No. 13 of the plaint, the plaintiff sought the following reliefs:

"क. यह कि वाद बाबत संविदा की विशिष्ट अनुपालना बहक वादी विरुद्ध प्रतिवादीगण डिक्री किया जावे कि वाद पत्र की मद संख्या 1 में वर्णित कृषि भूमि खात संख्या नया 141 पुराना 147 खसरा नम्बर 210 रकबा 1.3805 हैक्टेयर स्थित राजस्व गांव ठीकरिया पटवार हल्का ठीकरिया भू अभिलेख निरीक्षक क्षेत्र ठीकरिया तहसील सांगानेर जिला जयपुर राज. का मौखिक इकरारनामा दिनांकित 30/6/2024 की पालना में शेष प्रतिफल राशि प्राप्त कर प्रतिवादी क्रम 1 ता 2 से वादी के हक में विक्रय पत्र निष्पादित करवाया जावे तथा प्रतिवादी क्रम 1 ता 2 द्वारा विक्रय पत्र निष्पादित नहीं करवाने की सूरत में माननीय न्यायालय द्वारा वादी के हक में विक्रय पत्र निष्पादित करवाया जाकर मौके पर वास्तविक भौतिक कब्जा सुपुर्द करवाया जावे तथा किसी भी तकनीकी कारण से संविदा की विशिष्ट अनुपालना संभव नहीं होने की सूरत में माननीय न्यायालय वैकल्पिक अनुतोष के रूप में वादी को प्रतिवादी क्रम 1 ता 2 से अग्रिम प्राप्त राशि 50000000/- अक्षरे पांच करोड रुपये दावा दायरी से मय ब्याज दिलवाए जावे।

ख. यह कि वाद बहक वादी विरुद्ध प्रतिवादीगण बाबत स्थाई निषेधाज्ञा डिक्री किया जाकर प्रतिवादी संख्या एक व दो को जरिये स्थाई निषेधाज्ञा से पाबन्द किया जावे कि वाद पत्र की मद संख्या 1 में वर्णित वादग्रस्त कृषि भूमि खाता संख्या नया 141 पुराना 147 खसरा नम्बर 210 रकबा 1.3805 हैक्टेयर स्थित राजस्व गांव ठीकरिया पटवार हल्का ठीकरिया भू अभिलेख निरीक्षक क्षेत्र ठीकरिया तहसील सांगानेर जिला जयपुर राज0 को प्रतिवादी क्रम 1 ता 2 मौखिक इकरारनामा दिनांकित 30/6/2024 के विपरीत किसी भी प्रकार की आवासीय कालानी विकसित नहीं करे भूमि की किस्म में परिवर्तन नहीं करे किसी भी व्यक्ति या संस्था को किसी भी अन्य प्रकार से बेचान अन्तरण नहीं करे उक्त कृत्य प्रतिवादी क्रम 1 ता 2 न तो स्वयं करे न ही अपने ऐजेन्ट सर्वेन्ट हितबद्ध व्यक्ति आदि से करवाए।

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11. Therefore, the aforesaid submission of the learned counsel for the petitioner that the plaintiff has filed the suit without disclosing a valid cause of action in the plaint lacks merit and cannot be accepted, thus, the plaint is not liable to be rejected under Order 7 Rule 11 (a) of CPC.

12. The other submission of the learned counsel for the petitioner that the alleged payment of Rs.4,00,00,000/- in cash is contrary to the provision of Section 269-SS of the Income Tax Act, 1961, cannot be looked into at the stage of considering an application under Order 7 Rule 11 of CPC, as the same is a mixed question of fact and law.

13. Even the judgment so relied upon by the learned counsel for the petitioner in the matter of ***RBANMS Educational Institution*** (Supra) was duly considered by the learned Trial Court, and the learned Trial Court has also issued directions to provide a certified copy of the plaint to the Additional Commissioner, Income Tax (Investigation Department), Jaipur, for necessary actions.

14. Apart from the above, it is well settled law that while adjudicating an application under Order 7 Rule 11 of the CPC, only the averments of the plaint are to be examined, thus, the argument raised by the learned counsel for the petitioner regarding the readiness and willingness of the plaintiff to perform his part of the contract and the plaintiff's conduct, are matters of trial and are both mixed questions of fact and law, thus, they cannot be looked into at the stage of considering an application under Order 7 Rule 11 of CPC.

15. Further, the judgment so relied upon by the learned counsel for the petitioner in the matter of ***Om Prakash Aggarwal*** (Supra) is distinguishable on facts as the present suit is based on an oral contract, and discloses a valid cause of action in Paragraph 13 of the plaint.

16. Moreover, while considering the objections raised by the petitioner, the learned Trial Court in the impugned order has rightly held that the pleas raised by the petitioner are mixed questions of fact and law, which cannot be considered at the stage of hearing an application under Order 7 Rule 11 of CPC.

17. It is trite law that, while considering an application under Order 7 Rule 11 of CPC, only the averments of the plaint are required to be examined, and from a bare perusal of the plaint, it

is abundantly clear that the plaint discloses a valid cause of action and from the statements made therein, the present suit cannot be termed to be filed without disclosing a valid cause of action or barred by law. Thus, the learned Trial Court has rightly held that the present case does not fall within the four corners of the grounds enumerated under Order 7 Rule 11 of CPC.

18. Even otherwise, the petitioner is always at liberty to make all his submissions in the written statement, which will be duly considered by the learned Trial Court during the course of the trial.

19. In view of the above, this Court is of the considered opinion that the impugned order dated 20.02.2026 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 by Section 115 read with Section 151 of the Code of Civil Procedure, 1908.

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

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

(MANEESH SHARMA),J