

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 324/2025

Tejpal Sharma S/o Kailash Chand, Aged About 43 Years, R/o Kailash Iron Store, Ward No. 29, Badiyal Road, Bandikui, Tehsil Bandikui, Distt. Dausa, Rajasthan.

----Petitioner

Versus

1. Ritik S/o Tejpal, Aged About 18 Years, R/o Kailash Iron Store, Badiyal Road, Ward No. 29, Bandikui, Village Basda Brahamaan Tehsil Baswa, Distt. Dausa. Presently Residing At Saukhari Tehsil Kathumar, Distt. Alwar, Rajasthan.
2. Chitransh Lata S/o Shri Rajendra Lata, Aged About 27 Years, R/o Unit No. 1310, The Crown Tower-C, Airport Enclave Scheme, Tonk Road, Jaipur, Rajasthan
3. Deputy Registrar, Sub-Registrar Office, Baswa Tehsil Baswa, Distt. Dausa, Rajasthan

----Respondents

For Petitioner(s)	:	Mr. Indresh Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

12/02/2026

1. The present revision petition has been filed by the petitioner assailing the impugned order dated 08.09.2025, passed by learned Senior Civil Judge and Additional Chief Judicial Magistrate Bandikui, Dausa in the Civil Suit No.18/2025 titled as '*Ritik Vs. Chitransh & Ors.*', whereby the petitioner's application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (CPC), was rejected.

2. Brief facts giving rise to the present revision are that the respondent/plaintiff filed a suit for permanent injunction, and

cancellation of registered sale deed dated 12.05.2025, while stating that the plaintiff/respondent was a minor at the time of execution of the sale deed dated 12.05.2025. Upon service of summons, the petitioner filed an application under Order 7 Rule 11 CPC, contending that the suit is barred by law. It was stated therein that, as per the respondent/plaintiff's *Class-X* marksheet, his date of birth is 28.03.2009. Thus, the respondent/plaintiff, being minor at the time of filing of the plaint, was not entitled to institute the suit. The said application was contested by the respondent/plaintiff.

3. After considering the arguments advanced by the parties, the learned Court below, vide the impugned order dated 08.09.2025, rejected the application filed by the present petitioner.

4. Being aggrieved of which, the petitioner has filed the present revision petition.

5. Learned counsel for the petitioner submits that the learned Court below seriously erred in rejecting petitioner's application filed under Order 7 Rule 11 CPC. He prays that the revision petition may be allowed; the impugned order dated 08.09.2025 may be quashed and set aside; the plaint filed by the respondent/plaintiff may be rejected; and the application filed by the petitioner Order 7 Rule 11 CPC may be allowed.

6. Heard and considered the submissions made by learned counsel for the petitioner and perused the material available on record.

7. 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.] "

8. From a perusal of the record, it is evident that Para 2 of the plaint states the respondent/plaintiff's correct date of birth as 28.03.2007, and not 28.03.2009. Thus, merely because the academic certificates reflects the date of birth of the plaintiff/respondent as 28.03.2009, it cannot be held that the suit filed by the respondent/plaintiff on 09.07.2025 is barred by law on the ground of being minor.

9. It is a trite and settled principle of law that while deciding an application under Order 7 Rule 11 CPC, the Court must confine itself to the averments in the plaint alone. The respondent/plaintiff has stated his date of birth as 28.03.2007 and claimed to be 18 years of age (major) at the time of filing of suit. Therefore, the contention raised by learned counsel for the petitioner cannot be

accepted, and the learned Trial Court has rightly rejected the application filed by the petitioner under Order 7 Rule 11 CPC.

10. In view of the above, this Court is of the considered opinion that the impugned order dated 08.09.2025 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.

11. However, contentions of the petitioner shall be considered after filing of the written statement, in the course of trial.

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

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

(MANEESH SHARMA),J