

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 41/2026

Harish Chandra Chaturvedi W/o. Banwari Lal Chaturvedi,
Resident Of Chhota Bazar, Kasba Kotputli, District Kotputli-
Behror Rajasthan.

-----Petitioner/Defendant

Versus

1. Gayatri Devi W/o. Late Naveen Chand Chaturvedi
2. Abhishek S/o. Late Naveen Chand Chaturvedi
3. Vibhor S/o. Late Naveen Chand Chaturvedi
All Resident Of Chhota Bazar, Kasba Kotputli, District
Kotputli-Behror Rajasthan.
4. Pratibha Devi D/o. Late Naveen Chand Chaturvedi W/o.
Nawal Kishore, At present r/o Patikara Tehsil Narnol
District Mahendragarh
5. Kanchand D/o Late Naveen Chand Chaturvedi W/o Nawal
Kishore, Resident Of Jhapdawas, District Dausa (Raj.).
6. Itishree D/o Late Naveen Chand Chaturvedi, W/o Vijay
Second Kaushik, At Present Resident Of Viratnagar,
District Kotputli-Behror(Raj.).
7. Rajesh Chaturvedi W/o Banwari Lal Chaturvedi, Resident
Of Chhota Bazar, Kasba Kotputli, District Kotputli-Behror,
Rajasthan.
8. Sub-Registrar, Kotputli District Kotputli-Behror (Raj.).
9. District Collector, District Kotputli-Behror (Raj.).
10. Commissioner, Nagar Parishad, Kotputli, District Kotputli-
Behror.
11. Chairman, Nagar Parishad Kotputli, District Kotputli-
Behror.

-----Respondents

For Petitioner(s)	:	Mr. Ashish Sharma Upadhyay
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

12/03/2026

1. The present revision petition has been filed by the defendant No.1/petitioner under Section 115 of the Code of Civil Procedure, 1908 (CPC), assailing the impugned order dated 29.11.2025 passed by learned District & Sessions Judge, Kotputli-Behror in Civil Suit No.35/2025, titled as '*Gayatri Devi Vs. Harish Chand & Ors.*', whereby the application filed by the defendant No.1/petitioner under Order 7 Rule 11 of CPC, was dismissed.
2. Brief facts giving rise to the present civil revision petition are that the plaintiff/respondent filed a suit for partition and permanent injunction against the defendant/petitioner and other proforma defendants, and in the suit, it was averred that the petitioner - Rajesh Chaturvedi and the plaintiff, each have a 1/3rd share of the disputed property as the same is their ancestral property.
3. Upon service, the defendant/petitioner filed an application under Order 7 Rule 11 of CPC, averring that prior to the filing of the present suit, many civil suits pertaining to the same subject matter had been filed by the plaintiff in various Courts, one such suit, titled as '*Naveen Chandra Vs. Harish Chandra*', bearing Civil Suit No. 165/2021, wherein an application for temporary injunction was dismissed by the learned Court below, and the appeal against the same was also dismissed by the learned District & Sessions Judge, Kotputli, in Appeal No. 5/2022. Thereafter, no appeal was preferred, and the said suit bearing No.165/2021 was withdrawn without obtaining permission from the concerned Court on 10.01.2024. It was further averred in the

application that another Civil Suit No. 18/2020, titled as '*Harish Chandra Vs. Naveen Chandra*', was filed by the defendant/petitioner for partition in respect of the same property, which was withdrawn on 09.03.2024 while inspired by the spirit of *Lok-Adalat*, with an understanding that the parties would partitioned the suit property amicably at their own, but without exploring the same, present suit has been filed. Accordingly, the defendant/petitioner pleaded that the plaint does not disclose any valid cause of action and the same ought to be rejected.

4. Thereafter, the plaintiff/respondent filed a reply to the said application and vehemently opposed the said application while contending that all facts surrounding the present suit were duly disclosed, and the aforementioned Suit No.18/2020 was not withdrawn with the consent of the parties to the suit, rather it was the defendant/petitioner himself who withdrew the said suit himself.

5. After considering the arguments advanced by the parties, the learned Court below, vide impugned order dated 29.11.2025, rejected the application filed by the defendant No.1/petitioner under Order 7 Rule 11 of CPC.

6. Being aggrieved of which, the petitioner/defendant has filed the present revision petition.

7. Learned counsel for the petitioner submits that the learned Court below seriously erred in rejecting the petitioner's application filed under Order 7 Rule 11 of CPC. He therefore prays that the impugned order dated 29.11.2025 may kindly be quashed and set aside and consequently, the application filed by the defendant

No.1/petitioner under Order 7 Rule 11 of CPC may kindly be allowed.

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

9. 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.] "

10. From a bare perusal of the record, it is evident that the plaintiffs/respondents have filed a suit for partition in respect of the properties left by late *Shri Ganesh Dutt* and have sought relief for partition and a one-third share in the suit property. From the record of the case, it is also evident that the Civil Suit No. 165/2021, titled as '*Naveen Chandra Vs. Harish Chandra*', was filed seeking permanent injunction and the suit was subsequently

withdrawn vide order dated 10.01.2024 and, later on, another Civil Suit No. 18/2020, titled as '*Harish Chandra Vs. Naveen Chandra*', was filed with respect to the same property, which was disposed of vide order dated 09.03.2024 with the consent of the parties that they would settle the dispute amongst themselves outside the court. Thus, from a bare perusal of the aforesaid facts, the initial suit for permanent injunction was withdrawn and the subsequent suit for partition was also withdrawn with the alleged understanding between the parties that they would resolve the dispute of partition amicably outside the court. Since the said dispute regarding partition of the suit property was not amicably decided between the parties, the present suit for partition was filed.

11. From a bare perusal of the averments in the plaint, more particularly para no. 11 of the plaint, it is clear that it discloses a cause of action. Consequently, the submissions raised by the learned counsel for the petitioner do not fall within the four corners of Order 7 Rule 11 of CPC. Therefore, the arguments advanced by the learned counsel for the petitioner cannot be accepted.

12. Apart from the above, a bare perusal of the impugned order dated 29.11.2025 reveals that the learned Trial Court has rightly considered the plea raised by the learned counsel for the petitioner in detail. After examining the same, the learned Trial Court has rightly rejected the application under Order 7 Rule 11 of CPC.

13. In view of the above, the reasoning given by the learned Court below does not suffer from any jurisdictional error, perversity, or legal infirmity warranting interference by this Court under Section 115 of CPC.

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

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

(MANEESH SHARMA),J

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