

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CR 2/2024
CM(226/2024)

RAFIQ AHMAD LONE AND ORS.

...Appellant(s)/Petitioner(s)

Through: Mr. N. A. Kouchai, Advocate

Vs.

REHMAT ILLAHI

...Respondent(s)

Through: Mr. Aijaz A Bhat, Advocate with
Mr. Abrar H. Khan, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
25.11.2025

Heard learned counsel for the parties and peruse the record on filed.

Rehmat Illahi filed a suit for partition and Injunction against the Rafiq Ahmad Lone, Rouf Ahmad Lone sons of Abdul Rahman Lone and Mohammad Hashim Lone S/o Abdul Rashid Lone, on the various grounds taken up in the plaint.

Petitioner herein, the defendant made an application before the Trial court seeking rejection of plaint under Order 7 Rule 11 by taking the plea that suit does not disclose cause of action. The grounds taken for rejection of plaint were considered by the Trial court in detail. Para 10 of the order would be clear regarding the same which is produced as under:

“...The plaint when read in totality does depicts the disclosure of cause of action and as such cannot be rejected under Order 7 Rule 11 of CPC. So far as submission of Ld. Counsel for Defendant/Applicant are concerned, they are addressed towards the fact that Plaintiffs/Defendants does not have a cause of action, which is quite different from non-disclosure of cause of action in plaint and cannot be addressed in Order 7 Rule 11 CPC application. As such, in the light of discussions made herein above, the application of the Defendant/Applicant is dismissed as meritless.”

When this case is taken up for consideration, learned counsel for the parties were heard and record of the plaint was considered. When the plaint was taken into consideration, it is clear from the plaint that plaintiff has given instances in the plaint on the basis of which he has claimed a relief. To find out whether the plaint discloses the cause of action or not, it is only the plaint which is taken into consideration and as a ground taken up by the petitioner before the Trial court was that the plaint does not disclose the cause of action, therefore, he sought rejection of the plaint. To find out as to whether the plaint discloses the cause of action or not, on perusal of the plaint, it would be clear that it does disclose the cause of action.

The Trial court had also taken into account the pleadings of the plaintiff and having found that same discloses the cause of action, therefore, rightly rejected the plaint. The grounds taken up by the petitioner-defendant in the written statement are to be taken into consideration during the trial.

The order of the Trial court whereby application seeking rejection of the plaint under Order 7 Rule 11 being reasoned order, therefore, does not call for any interference. There is no illegality, thus petition **dismissed** along with connected CM.

Trial court to proceed strictly in accordance with the provision of law.

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
25.11.2025.
"Imtiyaz"