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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 569/2013**

SUNITAAppellant

Through: Mr. R K Saini, Mr. Dashmesh
Tripathi, Advs.

versus

RANBIR SINGH & ORSRespondents

Through: Mr. Madan Lal Sharma, Ms.
Tejaswini Verma, Mr. Abhay
Singh, Advs. for R-1 to 3

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

06.10.2025

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1. Through the present Appeal, the Appellant assails the correctness of an order dated 18.09.2013 [hereinafter referred to as 'Impugned Order'] passed by the learned Single Judge, whereby the plaint filed by the Appellant was partially rejected by the learned Single Judge.

2. It is a well settled principle of law that a part of the plaint cannot be rejected in exercise of power under Order VII Rule 11 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC']. The same has been reiterated in a recent judgment passed by the Supreme Court in **Geetha, D/o Late Krishna and Others v. Nanjundaswamy and Others**; 2023 SCC OnLine SC 1407. The relevant paragraph of the said judgment is reproduced below:

“12. There is yet another reason why the judgment of the High Court is not sustainable. In an application under Order VII Rule 11, CPC a



plaint cannot be rejected in part. **This principle is well established and has been continuously followed since the 1936 decision in Maqsd Ahmad v. Mathra Datt & Co.⁴. This principle is also explained in a recent decision of this Court in Sejal Glass Ltd. v. Navilan Merchants (P) Ltd.,⁵ which was again followed in Madhav Prasad Aggarwal v. Axis Bank Ltd.⁶** The relevant portion of Madhav Prasad (supra) is extracted hereinunder:

“10. We do not deem it necessary to elaborate on all other arguments as we are inclined to accept the objection of the appellant(s) that the relief of rejection of plaint in exercise of powers under Order 7 Rule 11(d) CPC cannot be pursued only in respect of one of the defendant(s). In other words, the plaint has to be rejected as a whole or not at all, in exercise of power under Order 7 Rule 11(d) CPC. Indeed, the learned Single Judge rejected this objection raised by the appellant(s) by relying on the decision of the Division Bench of the same High Court. However, we find that the decision of this Court in Sejal Glass Ltd. [Sejal Glass Ltd. v. Navilan Merchants (P) Ltd., (2018) 11 SCC 780 : (2018) 5 SCC (Civ) 256] is directly on the point. In that case, an application was filed by the defendant(s) under Order 7 Rule 11(d) CPC stating that the plaint disclosed no cause of action. The civil court held that the plaint is to be bifurcated as it did not disclose any cause of action against the Director's Defendant(s) 2 to 4 therein. On that basis, the High Court had opined that the suit can continue against Defendant 1 company alone. The question considered by this Court was whether such a course is open to the civil court in exercise of powers under Order 7 Rule 11(d) CPC. The Court answered the said question in the negative by adverting to several decisions on the point which had consistently held that the plaint can either be rejected as a whole or not at all. **The Court held that it is not permissible to reject plaint qua any particular portion of a plaint including against some of the defendant(s) and continue the same against the others. In no uncertain terms the Court has held that if the plaint survives against certain defendant(s) and/or properties, Order 7 Rule 11(d) CPC will have no application at all, and the suit as a whole must then proceed to trial.**

...

12. Indubitably, the plaint can and must be rejected in exercise of powers under Order 7 Rule 11(d) CPC on account of non-compliance with mandatory requirements or being replete with any institutional deficiency at the time of presentation of the plaint, ascribable to clauses (a) to (f) of Rule 11 of Order 7 CPC. In other words, **the plaint as presented must proceed as a whole or can be rejected as a whole but not in part...**”

(Emphasis Supplied)



3. However, the learned Single Judge has partially rejected the plaint by the Impugned Order.
4. Learned counsel representing the Respondent Nos.1 to 3 submits that a part of the pleadings can be rejected under Order VI Rule 16 of the CPC. However, on being pointed out by this Bench, learned counsel representing the Respondent Nos.1 to 3 admits that neither any application under Order VI Rule 16 of the CPC was filed nor did the learned Single Judge consider this aspect.
5. In substance, learned counsel representing the Respondent Nos.1 to 3 admits that the Court cannot reject a part of the plaint in exercise of powers under Order VII Rule 11 of the CPC.
6. Keeping in view the aforesaid facts, the present Appeal is allowed. The Impugned Order is hereby set aside.
7. However, the Respondents are at liberty to file an application under Order VI Rule 16 of the CPC, which shall be decided by the learned Single Judge uninfluenced by the Impugned Order and the order passed by this Court.
8. The present Appeal stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 06, 2025

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