

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.133 of 2024

1. Navneet Kumar, aged about 36 years, Male, Son of Sri Jitendra Narayan Singh, Resident of Rupas Mahaji, Police Station-Salimpur, District-Patna Presently residing at New Police Line, Lodipur, Budha Colony, Patna-8000001.
2. Amit Kumar, aged about 30 years, Male, Son of Sri Jitendra Narayan Singh, Resident of Rupas Mahaji, Police Station-Salimpur, District-Patna Presently residing at New Police Line, Lodipur, Budha Colony, Patna-8000001.
3. Smt. Renu Kumari, aged about 32 years, Female, Wife of Navneet Kumar, Resident of Rupas Mahaji, Police Station-Salimpur, District-Patna Presently residing at New Police Line, Lodipur, Budha Colony, Patna-8000001.
4. Prachi Garg, aged about 26 years, Female, Wife of Amit Kumar, Resident of Rupas Mahaji, Police Station-Salimpur, District-Patna Presently residing at New Police Line, Lodipur, Budha Colony, Patna-8000001.

... .. Petitioner/s

Versus

1. Ashok Singh, Son of Late Bhagwan Singh, Resident of Rupas Maruahi, Post-Kala Diyara, Police Station-Salimpur, District-Patna.
2. Pramod Kumar Singh, Son of Late Bhagwan Singh, Resident of Rupas Maruahi, Post-Kala Diyara, Police Station-Salimpur, District-Patna.
..... Plaintiff-Opposite Parties 1st Set
3. Sri Narayan Kumar, Son of Late Hari Narayan Sharma, Resident of Village-Jai Kishun Bigha, Post-Jaitipur Kurba, Police Station and District-Jehanabad.
4. Sri Mahesh Kumar, Son of Late Hari Narayan Sharma, Resident of Village-Jai Kishun Bigha, Post-Jaitipur Kurba, Police Station and District-Jehanabad.
5. Sri Keshari Nandan Kumar, Son of Late Hari Narayan Sharma, Resident of Village-Jai Kishun Bigha, Post-Jaitipur Kurba, Police Station and District-Jehanabad.
..... Defendant 1st Set-Opposite Parties 2nd Set
6. Siya Devi, Wife of Late Madan Singh, Resident of Rupas Maruahi, Post-Kala Diyara, Police Station-Salimpur, District-Patna.
7. Raushan Kumar, Son of Late Madan Singh, Resident of Rupas Maruahi, Post-Kala Diyara, Police Station-Salimpur, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Advocate Mr. Abhishek, Advocate Mr. Rajeev Kumar, Advocate
For the Respondent/s	:	Mr. Binod Kumar Singh, Advocate Ms. Vagisha Pragya Vacaknavi, Advocate



CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
CAV ORDER

5 23-04-2026 Heard learned counsel for the petitioners as well as
learned counsel for the respondents.

2. This Civil Revision application has been filed under Section 115 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') against the order dated 12.08.2024 passed by the learned Sub-Judge VIIth, Vaishali, Hajipur (hereinafter referred to as 'Trial Court') in Title Suit No.214 of 2020 whereby and where under the petition dated 14.02.2022 filed on behalf of defendant 2nd set/petitioners for rejection of plaint under Order VII Rule 11 of the CPC was rejected.

3. The facts of the case, in brief, is that the opposite party Ist set/plaintiffs filed the Title Suit No.214 of 2020 seeking relief for declaration that the four sale deeds dated 08.01.2022 described in Schedule-1 of the plaint executed by defendants Ist set in favour of defendants 2nd set/petitioners are void and not binding upon the plaintiffs. They further sought a relief for declaration of title of the plaintiffs and defendants 3rd set over the property described in Schedule-2 of the plaint.

4. Subsequently, petitioners/defendants 2nd set filed petition under Order VII Rule 11 of the CPC for rejection of



plaint on point that the suit, as framed, is not maintainable and there is no valid reason for filing the suit. The relief claimed by the plaintiffs is undervalued and the plaintiffs have not complied with the mandate of the provision under Order VII, Rule 14 of the CPC, which required the plaintiffs to file all the documents relied upon. It is also stated that the plaintiffs have not paid the appropriate Court fees. The petitioners/defendants 2nd set further stated that the plaintiffs have not filed any documents in support of their contention that the disputed property was part of Raghuvansh Prasad Singh's estate at Kupasela. The petitioners/defendants 2nd set further claimed that the Court fees required to be paid on the plaint should be calculated on an *ad valorem* basis, since the plaintiffs have not produced a registered sale deed.

5. Upon consideration of the facts and circumstances of the case, the learned Trial Court in the petition filed by the defendants dated 14.02.2022 rejected the same vide order dated 12.08.2024. Aggrieved by the impugned order, the petitioners/defendants 2nd set has preferred this Civil Revision application before this Court, assailing the legality, propriety and correctness of the said order on the ground that the learned Trial Court has failed to properly appreciate the mandatory



provisions of law and has exercised jurisdiction with material irregularity.

6. Learned counsel for the petitioners submitted that the impugned order suffers from patent jurisdictional error inasmuch as the learned Trial Court has failed to exercise jurisdiction vested in it by law. He further submitted that the learned Trial Court has committed a manifest error of law in rejecting the petitioner's application dated 14.02.2022 without appreciating the fact that the relief sought is not maintainable and the plaintiffs are required to file relevant documents in support of their claim and merely vague statement about title and possession does not disclose a valid cause of action.

6.i. He further submitted that from perusal of the averments made in the plaint, it appears that the suit does not disclosed the cause of action. Apart from this the relief claimed is under valued. Also no documents in support of claim made in the plaint have been produced and as such the plaint is fit to be rejected. He further submitted that a clever drafting of the suit should always carefully examined by the Courts so that injustice should not be done to the parties.

6.ii. Learned counsel for the petitioners submitted that the impugned order passed by the learned Trial Court suffers



from patent illegality inasmuch as it failed to appreciate that the plaint, on the face of its own averments, is barred by law within the meaning of Order VII Rule 14 of the CPC and *prima facie* is liable to be rejected at the very outset.

7. *Per contra*, learned counsel for the plaintiffs/opposite parties has substantiated the impugned order and submitted that the application under Order VII Rule 11 of the CPC is wholly misconceived and not maintainable in the facts of the case. It is a settled proposition of law that, at the stage of consideration under Order VII Rule 11 of the CPC, the Court is neither required nor permitted to adjudicate upon the veracity, sufficiency, or otherwise of the pleaded facts, as such an exercise falls strictly within the domain of trial.

7.i. He further submitted that the report of *Seristedar*, on 11.09.2020, clarifies the fact that the Court fee paid was sufficient in the suit and only after perusing the report of *Seristedar* the plaint was admitted in the learned Trial Court. Learned counsel, moreover, submitted that the examination of documents is a matter of further procedure and the same are required to be analyzed at the stage of trial. It is further submitted that the contours of Order VII Rule 11 of the CPC provides for rejection of plaint based on limited grounds



provided therein, however, the averments made by the petitioners can not be *ipso facto* ground for the rejection of plaint under Order VII Rule 11 of the CPC.

7.ii. He further placed reliance on the judgment of the Hon'ble Apex Court in ***Karam Singh v. Amarjit Singh and Ors.***, reported in ***2025 SCC OnLine SC 2240*** to submit that when considering a plaint rejection application under Order VII, Rule 11 of the CPC, the Court must look only at the averments made in the plaint and accompanying documents, and not the defence. Lastly, the learned counsel prayed that the impugned order passed by the learned Trial Court is legal and does not warrant any interference by this Court. Therefore, the present Civil Revision application is liable to be dismissed.

8. Having considered the rival submissions advanced on behalf of the parties and have perused the materials available on record, including the impugned order and the order sheets of the learned Trial Court, the point that arises for determination in the present revision is “*whether the learned Trial Court erred in law in rejecting the application under Order VII Rule 11 of the CPC seeking rejection of the plaint?*”

9. Before advertng to the rival contentions on merits, it would be apposite to notice the scope of interference in



exercise of revisional jurisdiction under Section 115 of the CPC. This Court does not sit as a Court of appeal over the order of the subordinate Court; interference is warranted only where the learned Trial Court has exercised a jurisdiction not vested in it by law, or has failed to exercise jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. Thus, unless the finding recorded by the learned Trial Court is shown to suffer from a patent error of law or jurisdictional infirmity, this Court would be slow to substitute its own view merely because another view is possible.

10. The contours of revisional jurisdiction under Section 115 of the CPC have been authoritatively delineated by the Hon'ble Apex Court in ***Shiv Shakti Coop. Housing Society v. Swaraj Developers and Ors.***, reported in ***(2003) 6 SCC 659***, wherein, it has been held that “the revisional power is supervisory in nature and cannot be equated with appellate jurisdiction; interference is permissible only where the subordinate Court has acted without jurisdiction or with material irregularity in the exercise of such jurisdiction”. Similarly, in ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***, reported in ***(2014) 9 SCC 78***, the Hon'ble Apex Court reiterated that re-appreciation of facts or substitution of a possible view is



impermissible in revision unless the impugned order suffers from patent illegality or perversity.

11. At this stage, it is apposite to reproduce the principles governing rejection of a plaint under Order VII Rule 11 of the CPC which have been explained in the case of ***Dahiben v. Arvindbhai Kalyanji Bhanusali (Gajra) and Ors.***, reported in (2020) 7 SCC 366 wherein the Hon'ble Apex Court has settled the principles and made the following observations:

“12.6. At this stage, the pleas taken by the defendant in the written statement and application for rejection of the plaint on the merits, would be irrelevant, and cannot be adverted to, or taken into consideration.

“12.7. The test for exercising the power under Order VII Rule 11 is that if the averments made in the plaint are taken entirety, in conjunction with the documents relied upon, would the same result in a decree being passed”.

“23.2. The remedy under Order 7 Rule 11 is an independent and special remedy, wherein the court is empowered to

summarily dismiss a suit at the threshold, without proceeding to record evidence, and conducting a trial, on the basis of the evidence adduced, if it is satisfied that the action should be terminated on any of the grounds contained in this provision.

23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated



in Order 7 Rule 11 are required to be strictly adhered to.

23.9. In exercise of power under this provision, the court would determine if the assertions made in the plaint are contrary to statutory law, or judicial dicta, for deciding whether a case for rejecting the plaint at the threshold is made out.

23.10. At this stage, the pleas taken by the defendant in the written statement and application for rejection of the plaint on the merits, would be irrelevant, and cannot be adverted to, or taken into consideration. [Sopan Sukhdeo Sable v. Charity Commr., (2004) 3 SCC 137]

23.12. In Hardesh Ores (P) Ltd. v. Hede & Co. [Hardesh Ores (P) Ltd. v. Hede & Co., (2007) 5 SCC 614] the Court further held that it is not permissible to cull out a sentence or a passage, and to read it in isolation. It is the substance, and not merely the form, which has to be looked into. The plaint has to be construed as it stands, without addition or subtraction of words. If the allegations in the plaint prima facie show a cause of action, the court cannot embark upon an enquiry whether the allegations are true in fact. D. Ramachandran v. R.V. Janakiraman [D. Ramachandran v. R.V. Janakiraman, (1999) 3 SCC 267; See also Vijay Pratap Singh v. Dukh Haran Nath Singh, AIR 1962 SC 941].

23.13. If on a meaningful reading of the plaint, it is found that the suit is manifestly.

vexatious and without any merit, and does not disclose a right to sue, the court would



be justified in exercising the power under Order 7 Rule 11 CPC.

23.15. The provision of Order 7 Rule 11 is mandatory in nature. It states that the plaint “shall” be rejected if any of the grounds specified in clauses (a) to (e) are made out. If the court finds that the plaint does not disclose a cause of action, or that the suit is barred by any law, the court has no option, but to reject the plaint.”

12. It is pertinent to note here that the plea essentially introduces a defence based on disputed facts, which does not emanate from the averments made in the plaint and, therefore, cannot be considered while deciding an application under Order VII Rule 11 of the CPC. It is well settled that, for the purposes of Order VII Rule 11 of the CPC, the Court is required to confine itself strictly to the pleadings in the plaint and assume the same to be correct, without embarking upon an enquiry into their truthfulness or otherwise. The contentions raised by the petitioners for the rejection of plaint in the present case are not the appropriate ground for the rejection of plaint under Order VII Rule 11 of the CPC. Further the document on which the plaintiffs relied to establish his claims, is the matter of adjudication at the stage of trial, and cannot be conclusively determined at the threshold.

13. Moreover, the defence sought to be raised by the



petitioners cannot be used to displace such averments at this preliminary stage. Accordingly, the said contention falls outside the limited scope of inquiry under Order VII Rule 11 of the CPC and does not warrant rejection of the plaint. In the considered view of this Court, the issue raised, therefore, does not fall within the limited scope of inquiry under Order VII Rule 11 of the CPC and has rightly not been accepted as a ground for rejection at this stage.

14. All the questions and objections raised in the application filed by the defendants are matters which go to the root of the controversy and constitute triable issues requiring appreciation of evidence. Such issues cannot be adjudicated at a preliminary stage, as their determination would necessitate a detailed examination of facts, pleadings, and evidentiary material, which is impermissible without a full-fledged trial. It is settled that questions involving disputed facts and merits of the case are to be decided only at the stage of final adjudication after the parties have been afforded adequate opportunity to lead evidence. Moreover, the contentions raised in the application are not amenable to determination at this stage and are liable to be adjudicated at the time of final disposal of the suit.

15. In view of the aforesaid analysis and settled legal



position, this Court is of the considered opinion that rejection of plaint under Order VII Rule 11 of the CPC is a drastic power to be exercised sparingly and only when the plaint, on the face of it, is barred by any law, this Court finds that the learned Trial Court has rightly refused to reject the plaint. The impugned order does not suffer from any jurisdictional error or material irregularity warranting interference in revisional jurisdiction. Accordingly, this Court is not inclined to interfere with the order under challenge, and the present Civil Revision application is liable to be dismissed.

16. As settled above that in revisional jurisdiction, interference is warranted only when the Subordinate Court has exercised the jurisdiction not vested in it, failed to exercise jurisdiction so vested, or acted with material irregularity. The impugned order, though concise, reflects consideration of the relevant aspects and does not suffer from jurisdictional error or perversity so as to warrant interference under Section 115 of the CPC. Since the plaint, on its face, discloses triable issues requiring adjudication after full-fledged trial and evaluation of evidences, this Court is of the considered view that no such ground is made out to invoke the revisional power of this Court.

17. Accordingly, the present Civil Revision



Application No. 133 of 2024 stands dismissed.

18. There shall be no order as to costs.

(Ramesh Chand Malviya, J)

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