

JPD-4
Ct No.07
11.06.2026
(SSS)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 71 of 2026

Subir Bhattacharya
Vs.
Sevoke Commosales LLP and Anr.

Mr. Sourav Guhathakurata,
Mr. D. Kundu, Advs.

.... For the petitioner.

1. The present challenge has been preferred against an order whereby the application of the defendant/petitioner under Order VII Rule 11 of the Code of Civil Procedure, for rejection of the plaint in a suit filed by the plaintiffs/opposite parties, was rejected.
2. The suit was filed, *inter alia*, for confirmation of right, title, interest and possession of the plaintiff over the suit property, for declaration that the plaintiffs are the sole and absolute owners of the schedule property as well as for permanent injunction and ancillary reliefs. By a subsequent amendment, the relief of recovery of possession was introduced instead of permanent injunction.
3. Learned counsel for the appellant argues that no document whatsoever was mentioned in the plaint, nor filed along with the plaint, within the contemplation of Order VII Rule 14 of the Code of

Civil Procedure, thereby rendering the plaint bad for non-disclosure of cause of action.

4. Learned counsel submits that the provisions of Order VII Rule 14 of the Code of Civil Procedure are to be taken into account while deciding an application under Order VII Rule 11 of the Code of Civil Procedure.
5. Learned counsel further submits that during pendency of the suit, an application was filed under Order XXVI Rule 9 of the Code of Civil Procedure, in connection with which an order was passed allowing the same and a report was filed by the Commissioner which, however, was subsequently set aside. Be that as it may, learned counsel submits that the said report ought to be looked into in order to show that the plaintiff does not have possession in respect of the suit property.
6. Learned counsel cites *Church of Christ Charitable Trust and Educational Charitable Society represented by its Chairman vs. Ponniamman Educational Trust represented by its Chairperson/Managing Trustee* reported at (2012) 8 SCC 706 as well as *Dahiben vs. Arvinbhai Kalyanji Bhanusali (Gajra) dead through Legal Representatives and Ors.* reported at (2020) 7 SCC 366 in support of his propositions.
7. Upon hearing learned counsel, however, it transpires that the learned Trial Judge was

justified in passing the impugned order. Before proceeding into the adjudication, the provisions of Order VII Rule 14 as well as Order VII Rule 11 of the Code are required to be reproduced below:

“11. **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 under-valued, and the plaintiff, on being required by the Court to so 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-papers 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-papers, 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.

14. Production of document on which plaintiff sues

or relies.—(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in Court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory."

8. As per Rule 14 of Order VII, where a plaintiff sues upon a document or relies upon a document in his possession or power in support of his claim, he shall enter such documents in a list and shall produce it in Court when the plaint is presented by him and shall at the same time deliver the document and a copy thereof to be filed with the plaint.

9. Furthermore, where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.
10. Thus, it is evident that for Rule 14 of Order VII to be attracted, the plaintiff has to sue upon a document or rely on a document in the first place.
11. On a meaningful and composite reading of the plaint in the present case, the Court does not find that the plaintiff has relied on any document or even referred to any document as such within the four corners of the plaint. The plaintiffs have sought declaration of their title and possession in respect of the suit property on the premise of the averments made in the plaint and subsequently sought recovery of possession.
12. Undoubtedly, if the defendants have a grievance regarding no document in support of the plaint case having been produced, the defendants always have the remedy to seek interrogatories and/or discovery of documents.
13. Even otherwise, it is the plaintiff who has to stand or fall on his own case by establishing the plaint case by way of cogent evidence. However, such questions can only be gone into at the stage of trial.
14. In *Church of Christ Charitable Trust and Educational Charitable Society (supra)*, cited by

learned counsel for the petitioner, the Hon'ble Supreme Court was adjudicating a matter in connection with a suit for specific performance. In such context, it was observed that the plaintiff, to get a decree for specific performance, has to prove that there is a subsisting agreement in his favour and the second defendant has the necessary authority under the power of attorney. The Hon'ble Supreme Court further proceeded to hold that in the light of the controversy therein, upon going through the averments in the plaint, the Hon'ble Supreme Court found that in paragraph 4 of the plaint, it was alleged that the second defendant as agreement holder of the first defendant and also as the registered power of attorney holder of the first defendant executed the agreement of sale.

15. The Hon'ble Supreme Court also observed that neither of the documents were filed along with the plaint.
16. In such context, the Hon'ble Supreme Court took into consideration the provisions of Order VII Rule 14 and held that the said provision mandates the plaintiffs to produce documents on which the cause of action was based and went on to further observe that in the absence of such documents, there was no disclosure of cause of action in the plaint.

17. As opposed thereto, the provisions of Order VII Rule 14 of the Code is not attracted at all in the present case, since on a perusal of the plaint, as indicated above, the Court does not find any document to have been specifically relied on or mentioned in the plaint.

18. In *Dahiben (supra)*, the Hon'ble Supreme Court held that having regard to Order VII Rule 14 of the Code of Civil Procedure, the documents filed along with the plaint are required to be taken into consideration for deciding the application under Order VII Rule 11(a) of the Code. When a document referred to in the plaint forms the basis of the plaint, it was held that it should be treated as part of the plaint.

19. Thus, the entire gamut of the said decision revolves around the scope of adjudication in an application under Order VII Rule 11 of the Code, in which context the Hon'ble Supreme Court observed that while deciding such an application, the Court is not confined merely to the pleadings in the plaint but can also look into the documents relied on or filed along with the plaint.

20. The said proposition, thus, is not germane in the present case, since no documents were filed at all along with the plaint.

21. In view of the above, this Court is of the opinion that the learned Trial Judge was justified in

rejecting the application under Order VII Rule 11 of the Code of Civil Procedure filed by the defendant/petitioner.

22. Hence, CO 71 of 2026 is dismissed, thereby affirming Order no. 18 dated April 30, 2026 passed by the learned Civil Judge (Senior Division), Sadar Court, Jalpaiguri in Title Suit No. 62 of 2024.

23. However, it is categorically made clear that none of the above observations shall be construed to be conclusive findings on the contentions raised by the petitioner and it will be open to the petitioner to take all objections taken herein at subsequent stages of the suit.

24. There will be no order as to costs.

25. Urgent certified copies of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)