



2026:DHC:1437



\$~71

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 18th February, 2026

+ CM(M) 391/2026

A. ANAND

.....Petitioner

Through: Petitioner in person (through VC).

versus

ARUNA

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.

CM APPL. 11201/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 391/2026 & CM APPL. 11202/2026 (for stay)

3. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 25th September, 2024, passed by the learned trial court in case bearing no. CS SCJ 549/23, whereby the application filed by the petitioner/defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908 ('CPC') has been dismissed.

4. Heard. Record perused.

5. Learned counsel for the petitioner has argued that the plaint is liable to be rejected as it does not disclose a cause of action and also suffers from non-joinder of a necessary party, namely, Mr. Chandra Shekhar (husband of



the respondent).

6. It is settled law that at the stage of deciding an application under Order VII Rule 11 of the CPC, the averments made in the plaint are germane and the pleas taken by the defendant in the written statement are irrelevant at that stage.

In this context, it is relevant herein to refer the judgement of the Hon'ble Supreme Court in ***Madanuri Sri Rama Chandra Murthy v. Syed Jalal, (2017) 13 SCC 174***, which is reproduced as follows:

“7. The plaint can be rejected under Order 7 Rule 11 if conditions enumerated in the said provision are fulfilled. It is needless to observe that the power under Order 7 Rule 11 CPC can be exercised by the Court at any stage of the suit. The relevant facts which need to be looked into for deciding the application are the averments of the plaint only. If on an entire and meaningful reading of the plaint, it is found that the suit is manifestly vexatious and meritless in the sense of not disclosing any right to sue, the court should exercise power under Order 7 Rule 11 CPC. Since the power conferred on the Court to terminate civil action at the threshold is drastic, the conditions enumerated under Order 7 Rule 11 CPC to the exercise of power of rejection of plaint have to be strictly adhered to. The averments of the plaint have to be read as a whole to find out whether the averments disclose a cause of action or whether the suit is barred by any law. It is needless to observe that the question as to whether the suit is barred by any law, would always depend upon the facts and circumstances of each case. The averments in the written statement as well as the contentions of the defendant are wholly immaterial while considering the prayer of the defendant for rejection of the plaint. Even when the allegations made in the plaint are taken to be correct as a whole on their face value, if they show that the suit is barred by any law, or do not disclose cause of action, the application for rejection of plaint can



be entertained and the power under Order 7 Rule 11 CPC can be exercised. If clever drafting of the plaint has created the illusion of a cause of action, the court will nip it in the bud at the earliest so that bogus litigation will end at the earlier stage.”

7. The suit has been filed by the respondent against the petitioner for possession of the suit property and for recovery of damages/*mesne* profits on the plea that the respondent is the owner of the suit property and that the petitioner is a tenant in the suit property.

Paragraph No. 9 of the plaint pertains to the cause of action for filing of the suit, and the same is reproduced below:

“9. That the cause of action for filing the present suit arose in favour of the plaintiff and against the defendant, when the defendant started violating the terms and conditions of the tenancy. The cause of action also arose when the defendant sent the rent for the month of Feb. 2023 and the same was refunded by the plaintiff on 06.02.2023 and requested the defendant to vacate the suit property by the midnight of 28.2.2023. The cause of action also arose when the defendant filed a false, frivolous and vexatious suit against the plaintiff and her husband. The cause of action is still subsisting and continuing one as the tenancy of the defendant has already expired by efflux of time on 28.2.2023 but the defendant has failed to vacate the suit property.”

8. The phrase “does not disclose the cause of action” in the Order VII Rule 11 (a) has to be very narrowly construed. The rejection of plaint at the threshold entails very serious consequences. Therefore, this power has to be exercised only in exceptional circumstances.

After the perusal of the averments in the plaint, this Court is of the opinion that the respondent has disclosed the cause of action to file the suit



2026:DHC:1437



against the petitioner. Accordingly, there is no merit in the submission of the petitioner that no cause of action has been disclosed in the plaint.

9. The second plea that there is non-joinder of necessary party namely, Mr. Chandra Shekhar in this case is also without merit as at this plea can be decided only on the merits of the case after the evidence has been led in the case.

10. Accordingly, this Court does not find any illegality or infirmity in the impugned order as it is a reasoned order and the same is upheld.

11. The petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

12. Copy of this order be given *Dasti*, under the signatures of Court Master.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 18, 2026/v/isk