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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Judgment delivered on: 09.03.2026***+ **FAO(OS) 27/2026&CM APPL. 13876/2026****ARCHANA CHOPRA**

.....Appellant

Through: Mr. Gyanendra Kumar, Sr.
Adv. with Mr. Soumya
Dasgupta, Ms. Sugandh
Virmani & Ms. Shambavi
Dwivedi, Advs.

versus

ANUJ GUGLANI AND ORS

.....Respondents

Through: Mr. Sanjiv Bahl, Mr. Eklavya
Bahl & Mr. Apoorva Bahl,
Advs./R1

CORAM:**HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MS. JUSTICE RENU BHATNAGAR****JUDGMENT****CM APPL. 13877/2026(Exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present appeal has been filed under Section 10(1) of the Delhi High Court Act, 1966, assailing the Judgment and Order dated 15.01.2026 passed by the learned Single Judge in I.A. NO. 8202 of 2025 in C.S. (OS) No. 3398 of 2015, whereby, the application filed by the appellant under Order 7 Rule 11 of the Civil Procedure Code, 1908 (hereinafter referred to as, 'CPC'), seeking rejection of the plaint

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was dismissed.

4. Briefly stated, the suit out of which the present appeal arises concerns the property bearing No. F-4/16, Model Town, Delhi (“the suit property”). As pleaded in the plaint, the suit property was purchased in the year 1957 allegedly out of joint family funds arranged by Dr. Chuni Lal Guglani and Smt. Ganesh Devi Guglani in the name of their son H.C. Guglani/Respondent No. 2. It is averred that the said property formed part of the family estate and was subsequently treated as property of a Hindu Undivided Family constituted in the name of “H.C. Guglani HUF”. It is further pleaded that Dr. Chuni Lal Guglani, Smt. Ganesh Devi Guglani and their children were members of the said HUF, with Respondent No. 2 acting as its Karta.

5. The Appellant claims to be a coparcener on the said HUF by birth and asserts that the suit property remained joint family property and was never partitioned. It is alleged that in 2014, Respondent No. 2 demolished the existing structure on the suit property and initiated construction in collaboration with other defendants, while simultaneously denying the existence of any HUF asserting exclusive ownership.

6. In the aforesaid circumstances, the Respondent No. 1/plaintiff instituted the suit seeking partition of the suit property, rendition of accounts and permanent injunction, asserting his coparcenary rights in the alleged HUF property.

7. During the pendency of the suit, after the issues had been framed and the trial had commenced, and when the matter was at the





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stage of Plaintiff's evidence, the Appellant preferred an application under Order VII Rule 11(a) and (d) seeking rejection of the plaint, which was dismissed *vide* the Impugned Judgment and Order dated 15.01.2026. Aggrieved thereby, the appellant has preferred the present appeal.

8. By way of the Impugned Judgment and Order, the learned Single Judge, while dismissing the application filed by the Appellant, held that a meaningful reading of the plaint discloses a cause of action and raises triable issues, including the nature and character of the suit property, the alleged constitution of the H.C. Guglani HUF, and the plaintiff's entitlement to seek partition and other reliefs, which would require adjudication upon evidence being led. It was further found that issues had already been framed by the Order dated 11.09.2018 and the suit progressed to the stage of plaintiff's evidence.

9. The Impugned Judgment and Order was primarily opposed on three grounds. First, it is contended that even if the averments made by the Respondent No. 1/plaintiff in the plaint are assumed to be correct, the suit is not maintainable as no HUF exists in view of the surviving legal heirs. Secondly, it is urged that the plaint does not contain proper and complete particulars regarding the suit property and the alleged funds, and therefore fails to disclose the material facts necessary to constitute a cause of action, as mandatorily required under Order VI Rule 4 of the CPC. Lastly, it is argued that the suit is barred by limitation as there has been no joint, constructive or symbolic possession of the suit property since 1990, whereas the present suit for partition has been instituted only in the year 2015.





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Accordingly, it is urged that the plaint is liable to be rejected under Order VII Rule 11 (a) &(d) of the CPC. To buttress his arguments, reliance has been placed on ***Uttam v. Saubhag Singh & Ors***, (2016) 4 SCC 68 and ***Sagar Gambhir v. Shri Sukhdev Singh***, 2017 SCC OnLine Del 7305.

10. We have heard the learned counsels for the parties and perused the material placed on record.

11. At the outset, it is relevant to note that at the time of the first hearing of the suit on 30.11.2015, when the application filed under the provisions of Order XXXIX Rule 1 & 2 of the CPC was taken up, learned counsel appearing for the defendants, including the present Appellant, made a statement before the learned Single Judge that, without prejudice, till the next date of hearing, the defendants shall not dispose of the suit property. The said statement was recorded by the Court and operated as an undertaking on behalf of the defendants.

12. Subsequently, by order dated 24.01.2018, it was directed that the said statement shall continue till the disposal of the suit, thereby continuing the undertaking throughout the pendency of the proceedings as an interim protection.

13. In view of the said undertaking, the learned Single Judge did not require the Respondent No. 1/plaintiff, at that stage, to lead evidence to establish a *prima facie* case for grant of *interim* protection.

14. In these circumstances, once the Appellant had given an undertaking restraining alienation of the suit property, thereby obviating the need for the Respondent No. 1/plaintiff to establish a *prima facie* case at that stage, the Appellant now should not be



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permitted to contend that the plaint ought to be rejected at the threshold. In any event, the questions sought to be raised by the Appellant pertain to disputed issues which cannot be conclusively determined without a full-fledged trial.

15. In any event, the scope of examination under Order VII Rule 11 of the CPC is well settled. At the stage of considering an application under Order VII Rule 11 of the CPC, the Court is required to examine only the averments contained in the plaint and not the defence raised by the defendants.

16. The Supreme Court has consistently reiterated the aforesaid principle in *Popat and Kotecha Property vs. State Bank of India Staff Association*, (2005) 7 SCC 510, and *Dahiben vs. Arvindbhai Kalyanji Bhanusali*, (2020) 7 SCC 366.

17. At the same time, it has been held in *T. Arivandandam vs. T.V. Satyapal*, (1977) 4 SCC 467, the power to reject a plaint is a drastic power, which must be exercised only where the plaint, on a meaningful reading, not a formal, does not disclose a clear right to sue and is manifestly vexatious and meritless.

18. Tested on the aforesaid parameters, the plaint in the present case clearly discloses a cause of action. The plaintiff has specifically pleaded that the suit property was acquired out of joint family funds, that it was treated as property of the HUF, and that no partition has taken place. The plaint further pleads that Respondent No.2 has asserted exclusive ownership and undertaken construction over the property, thereby giving rise to the cause of action for the reliefs sought.



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19. The first contention advanced by the appellant that no HUF exists and that the suit is therefore not maintainable is essentially a defence to the case set out in the plaint. In the present case, the plaint avers that on 26.03.1957 suit property was purchased in the name of H.C. Guglani, allegedly from joint family funds arranged by Dr. Chuni Lal Guglani and Smt. Ganesh Devi Guglani, and that though standing in the name of H.C. Guglani, the property was held by him in a fiduciary capacity for the joint family. It is further pleaded that a HUF styled “H.C. Guglani HUF” was constituted with H.C. Guglani as it Karta.

20. In such circumstances, questions as to whether an HUF was created, whether any objection was raised by family members to such creation, whether the suit property forms part of the HUF, and whether such HUF existed or continued to subsist thereafter, are matters requiring examination of pleadings and evidence. These are mixed questions of fact and law and cannot be adjudicated at the threshold while considering an application under Order VII Rule 11 of the CPC, which must be decided solely on the averments contained in the plaint. Moreover, the reliance placed by the appellant on *Uttam v. Saubhag Singh & Ors.*, (2016) 4 SCC 68 does not advance the appellant’s case at this stage, as the applicability of the said principle would necessarily depend upon factual determination regarding the nature of the property and the existence or otherwise of a coparcenary.

21. The second contention of the appellant that the plaint does not contain proper particulars as required under Order VI Rule 4 CPC and therefore fails to disclose a cause of action is equally misconceived.



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The requirement of pleading material facts does not mandate that the plaint must contain exhaustive evidentiary details. The plaint must merely disclose the foundational facts constituting the cause of action. A plain reading of the plaint demonstrates that the plaintiff has pleaded the origin of the alleged joint family property, the manner in which the property is claimed to have been treated as HUF property, the plaintiff's status as a coparcener, and the alleged acts of the defendants which have led to the present dispute. These averments sufficiently disclose the cause of action for the reliefs sought. It is well settled that where a plaint discloses a cause of action and raises triable issues, rejection of the plaint at the threshold is impermissible, as reiterated in *Vinod Infra Developers Ltd. v. Mahaveer Lunia & Ors.*, 2025 SCC OnLine SC 1208. In this view of the matter, the reliance placed by the appellant on *Sagar Gambhir v. Shri Sukhdev Singh*, 2017 SCC OnLine Del 7305, is misplaced and does not justify rejection of the plaint at the threshold.

22. Lastly, the plea of limitation raised by the Appellant also does not merit acceptance at this stage. It is well settled that for the purposes of Order VII Rule 11(d) CPC, a plaint can be rejected on the ground of limitation only where the bar of limitation is apparent on the face of the plaint itself. In the present case, the plaint contains specific averments that the suit property remained joint family property and that no partition had ever taken place. It is further pleaded that the dispute crystallised when Respondent No.2 allegedly demolished the existing structure on the suit property and asserted exclusive ownership in the year 2014, following which the present suit came to



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be instituted in 2015. Whether these assertions are ultimately proved is a matter of trial; however, it cannot be said at this stage that the suit is *ex facie* barred by limitation. The Supreme Court in ***Dahiben v. Arvindbhai Kalyanji Bhanusali***, (2020) 7 SCC 366 has reiterated that the power under Order VII Rule 11(d) CPC can be exercised only where the bar of limitation is evident from the plaint itself and does not require a detailed enquiry into disputed facts.

23. Therefore, the submissions now advanced before us essentially involve mixed questions of fact and law, which necessarily require adjudication upon appreciation of pleadings and evidence. Such issues are required to be examined by the learned Single Judge at the stage of trial and cannot be pre-emptively determined in proceedings arising out of an application under Order VII Rule 11 CPC.

24. We also find merit in the observation of the learned Single Judge that issues in the suit had already been framed by order dated 11.09.2018 and the suit has progressed to the stage of plaintiff's evidence. While the stage of the proceedings by itself may not be determinative of an application under Order VII Rule 11 CPC, the fact that the suit has proceeded to trial underscores that the controversy between the parties involves disputed questions of fact which are required to be adjudicated upon evidence being led.

25. In view of the aforesaid discussion, we are of the considered opinion that the learned Single Judge rightly held that the plaint discloses a cause of action and raises triable issues which cannot be adjudicated at the threshold under Order VII Rule 11 CPC. We find no infirmity, illegality or perversity in the Impugned Judgment and Order





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dated 15.01.2026 warranting interference in the present appeal.

26. The present appeal is, accordingly, dismissed, along with all pending applications, if any. There shall be no order as to costs.

(VIVEK CHAUDHARY)
JUDGE

(RENU BHATNAGAR)
JUDGE

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