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

+ C.R.P. 1/2024 & CM APPL. 18/2024

MADHU BHARGAVA AND ANR.Petitioners

Through: Mr. Sanjay Dewan, Sr. Adv. with Mr. Shekhar Kumar, Mr. Harsh Kumar, Mr. Nikhil & Mr. Neel Kr. Sharma, Advs.

versus

REENA BHARGAVARespondent

Through: Mr. R.K. Sharma & Mr. Abhishek Sharma, Mr. Sandeep Bhardwaj & Mr. Ujjawal, Advocates

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
15.01.2026

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1. This revision petition has been filed assailing order dated 7th October 2023 passed by ADJ-03, North, Rohini Courts in **CS No.405/2019**, rejecting the application filed by petitioner-defendant under Order VII Rule 11 of the Code of Civil Procedure 1908 ("**CPC**").

2. Petitioner no.1 is wife and petitioner no.2 is daughter-in-law of *Late Sh. Suresh Bhargava*, in whose favour rights were relinquished with respect to the first and second floor of property bearing no.1, *SBI Colony, Delhi-110009* ("**suit property**"). Respondent is the widow of *late Sh. Umesh Bhargava*, brother of late husband of petitioner no.1. As per the petition, *Sh. Umesh Bhargava* was neither residing in the suit property nor did he ever challenge the issue of possession.

3. It is contended that the suit filed by the respondent/plaintiff was barred by limitation. However, certain subsequent events transpired from the



written statement filed by petitioner/defendant in the original suit before the Trial Court.

4. Relinquishment deed dated 10th December 1996 (***Annexure-B***) was propounded, on the basis of which *Sh. Umesh Bhargava* had allegedly relinquished his share in favour of *Sh. Suresh Bhargava*. Subsequently, mutation was obtained on 19th June 1997, and conveyance deed on behalf of DDA, converting the property into freehold was executed on 3rd February 2000 in favour of all four brothers namely *Sh. Ramesh Chand Bhargava*, *Sh. Rakesh Bhargava*, *Sh. Suresh Bhargava* and *Sh. Dinesh Bhargava*. A partition deed was also executed on 23rd March 2000 between the four brothers relating to the suit property.

5. When these aspects were brought up before the Trial Court in the written statement, an amendment application was moved under Order VI Rule 17 CPC by the respondent/plaintiff seeking amendment of the plaint, which had originally been filed on 23rd August 2019. It sought to add a prayer for declaration that the relinquishment deed dated 10th December 1996, following by the partition deed dated 23rd March 2000, be declared null and void. Accordingly, requisite paragraphs in the plaint were sought to be incorporated along with attendant reliefs. This application was allowed and no challenge to it was preferred by the petitioner.

6. However, the application under Order VII Rule 11 CPC filed by the petitioner/defendant, was rejected by the Trial Court on the basis that the suit cannot be rejected in part; and even though the contention by petitioner/defendant was that the original plaint was barred by limitation, addition of amended reliefs and grounds, the issue of limitation for purposes of declaration would arise on the date of knowledge of relinquishment deed and partition deed, i.e. filing of the written statement. On the basis of settled



law that suit cannot be rejected in part, the impugned order was passed.

7. Counsel for petitioners contends that it is not disputed that plaintiff/defendant's husband *Sh. Umesh Bhargava* passed away in 2012, and till then no relief of possession was sought even though they were not residing in the suit property.

8. This Court does not find any infirmity, material irregularity, or irregular exercise of jurisdiction insofar as the impugned order is concerned. In an application under Order VII Rule 11 CPC a plaint cannot be rejected in part. This principle has been well established by the Supreme Court in the following decisions:

i) ***Sejal Glass Ltd. v. Navilan Merchants (P) Ltd.***, (2018) 11 SCC 780:

“4. It is settled law that the plaint as a whole alone can be rejected under Order 7 Rule 11. In Maqsd Ahmad v. Mathra Datt & Co. [Maqsd Ahmad v. Mathra Datt & Co., 1936 SCC OnLine Lah 337 : AIR 1936 Lah 1021] , the High Court held that a note recorded by the trial court did not amount to a rejection of the plaint as a whole, as contemplated by the CPC, and, therefore, rejected a revision petition in the following terms: (AIR p. 1022 para 4 : SCC OnLine Lah para 4)

“4. ... There is no provision in the Civil Procedure Code for the rejection of a plaint in part, and the note recorded by the trial court does not, therefore, amount to the rejection of the plaint as contemplated in the Civil Procedure Code.”

5. Similarly, in Bansi Lal v. Som Parkash [Bansi Lal v. Som Parkash, AIR 1952 Punj 38] , the High Court held: (AIR p. 39, para 7)

“7. But the real question which arises in this appeal is whether there can be a partial rejection of the plaint. Mr Chiranjiva Lal Aggarwala submits that a plaint can either be rejected as a whole or not at all, and he has relied on a statement of the law given in Mulla's Civil Procedure Code at p. 612 where it is stated: “This rule



(Order 7 Rule 11) does not justify the rejection of any particular portion of a plaint.” In support of this statement the learned author has relied on Raghubans Puri v. Jyotis Swarupa [Raghubans Puri v. Jyotis Swarupa, ILR (1906-07) 29 All 325] , Venkata Rangiah Appa Rao v. Secy. of State [Venkata Rangiah Appa Rao v. Secy. of State, 1930 SCC OnLine Mad 123 : ILR 54 Mad 416 : AIR 1931 Mad 175] and Maqsd Ahmad v. Mathra Datt & Co. [Maqsd Ahmad v. Mathra Datt & Co., 1936 SCC OnLine Lah 337 : AIR 1936 Lah 1021] In reply to this argument Mr Puri has submitted that it is really five suits which had all been combined in one and therefore in this particular case the rejection of a part was nothing more than rejection of three plaints. But the suit was brought on one plaint and not five suits were brought. The law does not change merely because the plaintiff chooses in one suit to combine several causes of action against several defendants which the law allows him. It still remains one plaint and therefore rejection of the plaint must be as a whole and not as to a part. I am therefore of the opinion that the learned Senior Subordinate Judge was in error in upholding the rejection as to a part and setting aside the rejection in regard to the other part. This appeal which I am treating as a petition for revision must therefore be allowed and the rule made absolute, and I order accordingly.”

6. In Venkata Rangiah Appa Rao v. Secy. of State [Venkata Rangiah Appa Rao v. Secy. of State, 1930 SCC OnLine Mad 123 : ILR 54 Mad 416 : AIR 1931 Mad 175] , the Madras High Court held: (AIR p. 176 : SCC OnLine Mad)

“... Referring to Section 54 of the old Civil Procedure Code, the learned Judges state that that section only provides for the rejection of a plaint in the event of any matters specified in that section not being complied with and it does not justify the rejection of any particular portion of a plaint. Section 54 now corresponds to Order 7 Rule 11 of the Civil Procedure Code. The plain meaning of that rule seems to be that if any of the defects mentioned therein is found to exist in any case, the plaint



shall be rejected as a whole. It does not imply any reservation in the matter of the rejection of the plaint. Non-compliance with the requisites of Section 80 of the Civil Procedure Code, was taken to be a ground covered by clause (d) of Rule 11, aboveresferred to. Even if it should be taken that that clause does not strictly apply to the present case, I must hold that the suits are liable to dismissal on account of non-compliance with Section 80 of the Civil Procedure Code.”

It was further found that if the suit was dismissed for want of notice against the Government under Section 80 CPC, it cannot be allowed to proceed against the other defendants for the reason that the Government's right to resume inam lands, on the facts of that case, stands unaffected, and that being so, the plaintiff's claim to recover possession of such lands from other defendants would also fall to the ground for the simple reason that they have no right then to resume those inams. It was, therefore, held on the peculiar facts of that case that for the reasons given the suit would fail as a whole.

7. However, in *Kalapu Pala Subrahmanayam v. Tiguti Venkata Peddiraju* [*Kalapu Pala Subrahmanayam v. Tiguti Venkata Peddiraju*, 1970 SCC OnLine AP 30 : AIR 1971 AP 313] a Single Judge referred to *Venkata Rangiah Appa Rao v. Secy. of State* [*Venkata Rangiah Appa Rao v. Secy. of State*, 1930 SCC OnLine Mad 123 : ILR 54 Mad 416 : AIR 1931 Mad 175] , and then held that the suit was barred by time in respect of only certain items of property and not in respect of others. Despite this, it was held that since the plaint as a whole should have been rejected, the baby was thrown out with the bathwater, and the entirety of the plaint and not merely the properties against which the suit could not proceed (as it was barred by limitation), was rejected.

8. We are afraid that this is a misreading of the Madras High Court judgment. It was only on the peculiar facts of that case that want of Section 80 CPC against one defendant led to the rejection of the plaint as a whole, as no cause of action would remain against the other defendants. This cannot elevate itself into a rule of law, that once a part of a plaint cannot proceed, the other part also cannot proceed, and the plaint as a whole must be rejected under Order 7 Rule 11. In all



such cases, if the plaint survives against certain defendants and/or properties, Order 7 Rule 11 will have no application at all, and the suit as a whole must then proceed to trial.”

(emphasis added)

ii) **Madhav Prasad Aggarwal v. Axis Bank Ltd.**, (2019) 7 SCC 158

*“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.

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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 added)

9. Accordingly, the instant revision petition is dismissed.
10. Pending application is rendered infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 15, 2026/sm/tk