



2025:DHC:6500



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

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Date of Decision: 29.07.2025

+ **C.R.P. 220/2025 & CM Appl. 45665/2025**

UMESH PRASAD SINGH

.....Petitioner

Through: Mr. Shyamal Kumar and Ms.
Apoorva Pal, Advts.

versus

HITESH BHARDWAJ

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl. 45666/2025/Exemption from filing certified copies]

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

C.R.P. 220/2025 & CM Appl. 45665/2025/Stay]

3. The present Petition has been filed under Section 115 read with Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 02.04.2025 passed by the learned District Judge-01, South West, Dwarka Courts, New Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application under Order VII Rule 11 of the CPC has been dismissed.
4. The grievance of the Petitioner is that the Impugned Order is bereft of any finding. However, a perusal of the Application that has been filed by the Petitioner/Defendant reflects that the Application only states that a cheque dated 04.03.2020 was presented for encashment on 09.03.2020 and the same



was dishonored on 10.03.2020 and thus, the suit is hopelessly barred by limitation.

5. Learned Counsel for the Petitioner submits that although the Application contains only these averments. He has explained it further in his written statement. The written statement is, however, not on record neither do they form part of the pleadings before this Court.

6. It is settled law that in an Application under Order VII Rule 11 of the CPC, all that is required to be examined is the plaint along with the documents with the plaint. The Court is not required to entertain the defence of the Respondent. The first ground that has been taken by the Petitioner is that the case as set out in the plaint is false. This is not a ground as is envisaged under the provisions of Order VII Rule 11 of the CPC. It is apposite to set out Order VII Rule 11 of the CPC 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 undervalued, and the plaintiff, on being required by the Court to 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 returned 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 :

[Provided that the time fixed by the Court for the correction of the valuation or supplying of the requisite stamp-paper 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-paper, 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.]”



7. It is trite law that in an Application filed under Order VII Rule 11 of the CPC, the plaint and averments are to be taken on their face and on a demurer. At this stage, the Court is not entitled to consider the case of defence. In this regard, it is apposite to set out the observations made by the Supreme Court in the case of *C. Natrajan v. Ashim Bai and Anr.*¹, the relevant extract of which is reproduced herein:

“8. An application for rejection of the plaint can be filed if the allegations made in the plaint even if given face value and taken to be correct in their entirety appear to be barred by any law. The question as to whether a suit is barred by limitation or not would, therefore, depend upon the facts and circumstances of each case. For the said purpose, only the averments made in the plaint are relevant. At this stage, the court would not be entitled to consider the case of the defence. (See Popat and Kotecha Property v. SBI Staff Assn. [(2005) 7 SCC 510]”

[Emphasis Supplied]

8. After some arguments, learned Counsel the Petitioner submits that he may be granted liberty to file a fresh Application setting out his grounds for challenge under Order VII Rule 11 of the CPC.

9. The Petition is accordingly dismissed as withdrawn. The liberty is however granted to the Petitioner to file an appropriate Application in accordance with law for redressal of his grievances. The pending Application also stands closed.

10. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 29, 2025/r

¹ (2007) 14 SCC 183.