



2026:DHC:4745



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

**Date of decision: 25.05.2026**

+ CS(OS) 58/2026

VIZWISE COMMERCE PVT LTD

.....Plaintiff

Through:

versus

MR SANJEEV BANSAL

.....Defendant

Through: Defendant in person.

**CORAM:**

**HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**AVNEESH JHINGAN, J. (ORAL)**

**CS(OS) 58/2026**

1. This suit is filed by the plaintiff with the following prayers:

“a) Pass a decree of possession in favour of the Plaintiff and against the Defendant in respect to the Suit Premises being 2<sup>nd</sup> Floor of S-337, Greater Kailash-I, New Delhi-110048 as shown in Red Color in the Site Plan filed alongwith the Suit;

b) Pass a decree of damages of Rs. 98,40,000/- and further damages as prayed in the Plaint alongwith interest as this Hon'ble Court may deem fit and proper in favour of the Plaintiff and against the Defendant;

c) Award the cost of the present proceedings in favour of the Plaintiff and against the Defendant; and/ or”

**I.A. 14811/2026 & I.A. 14812/2026**

2. The application under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 (for short ‘CPC’) is filed by the applicant/defendant seeking rejection of the suit.

3. The plaintiff filed the suit seeking possession and damages in respect of the second floor of the property bearing no. S-337, Greater Kailash Part-



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1, New Delhi (for short 'suit property').

4. Mr. Sanjeev Bansal, the applicant appears in person and insists upon addressing and assisting the Court personally and has rejected the offer made to him of a legal aid counsel.

5. The applicant appearing in person submits that the plaint wrongly mentions that the applicant is in possession of the second floor of the suit property whereas actually the applicant is in possession of the third floor.

5.1 The contention is that the plaintiff instituted a suit before the Saket District Court against the brother of the applicant for possession of the third floor of the suit property. Upon filing an application by applicant for impleadment, the plaintiff by amendment changed the suit property floor description from third to second and the same relief is being sought from the two different courts parallelly.

5.2 The submission is that the present suit is a counterblast to the criminal complaint lodged by the applicant against the plaintiff.

6. The law is well-settled that for deciding an application under Order VII Rule 11, CPC the court has to confine to the pleadings made in the plaint only. At this stage, the court is not required to weigh the contentions of the applicant/defendants as the same are immaterial. Reliance be placed upon the following judgments:

6.1 In **Dahiben v. Arvinbhai Kalyanji Bhanusali** (2020) 7 SCC 366 it was held:

“23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated in Order 7 Rule 11 are required to be strictly adhered to.



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23.6. Under Order 7 Rule 11, a duty is cast on the court to determine whether the plaint discloses a cause of action by scrutinising the averments in the plaint [Liverpool & London S.P. & I Assn. Ltd. v. M.V. Sea Success I, (2004) 9 SCC 512] , read in conjunction with the documents relied upon, or whether the suit is barred by any law.

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xxx

23.10. At this stage, the pleas taken by the defendant in the written statement and application for rejection of the plaint on the merits, would be irrelevant, and cannot be adverted to, or taken into consideration.<sup>4</sup>”

6.2 The apex court in the case of **Vinod Infra Developers Ltd. V. Mahaveer Lunia and Ors.** 2025 SCC OnLine SC 1208 held:

“8. The position of law is that rejection of a plaint under Order VII Rule 11 CPC is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped. At this preliminary stage, the court is required to confine its examination strictly to the averments made in the plaint and not venture into the merits or veracity of the claims. If any triable issues arise from the pleadings, the suit cannot be summarily rejected. Keeping in mind this settled principle of law, we proceed to examine whether the High Court was justified in rejecting the plaint under Order VII Rule 11 CPC.”

6.3 In **Uma Devi & Ors. v. Anand Kumar & Ors.** 2025 INSC 434 it was held:

“15. In *Madanuri Sri Rama Chandra Murthy v. Syed Jalal* (2017) 13 SCC 174, this court laid down the scope of Order 7 Rule 11 CPC :

7. The plaint can be rejected under Order VII Rule 11 if conditions enumerated in the said provision are fulfilled. It is needless to observe that the power under Order VII 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



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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 VII Rule 11, CPC. Since the power conferred on the Court to terminate civil action at the threshold is drastic, the conditions enumerated under Order VII Rule 11 of 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.....”

*(emphasis supplied)*

7. It is pleaded in the plaint that the suit property was given to late Sh.Ashok Agarwal for use and occupation being one of the director of the plaintiff company. After his death on 22.07.2013 the premises earlier being used for residential purpose of the deceased came to be illegally occupied by the applicant without the consent and permission of the plaintiff. It is pleaded in the plaint that in another proceedings initiated by the applicant it is stated that the applicant is occupying the second floor of the suit property in question.

8. The assertion that the third floor of the suit property is in possession of the applicant and not the second floor, is a disputed question of fact which would be determined after evidence is led. At this stage of Order VII Rule 11, CPC the Court cannot go beyond the pleadings in the plaint. The



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pleadings made in the application would not be relevant for deciding this factual aspect.

9. The submission that the present suit is counterblast to the criminal complaint lodged by the applicant would be dealt with at an appropriate stage.

10. It would be apposite to note that vague allegations have been made against the counsel provided by the Delhi High Court Legal Services Committee (for short 'DHCLSC') to the applicant in another matter. It is contended that a notice has been issued by the applicant to DHCLSC.

11. The prayer made in the suit is similar to that made before the Saket District Court and the effect of the amendment of that suit would be considered once the evidence is adduced or the issues are framed.

12. It cannot be lost sight of that during the course of the arguments the applicant has not denied that suit property is in possession of the applicant and his brother. The dispute being raised is regarding the floor to be in possession of the applicant and his brother.

13. No ground is made out for rejection of the suit at this stage.

14. No case is made for interference under Order VII Rule 11, CPC and the application is dismissed.

15. In view of the above, the exemption application also stands disposed of.

**AVNEESH JHINGAN, J**

**MAY 25, 2026**

**'JK'/Anjali**

**Reportable: Yes**