



2026:DHC:2448



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

Date of decision: 24th MARCH, 2026

IN THE MATTER OF:

I.A. 10757/2023

IN

+ **CS(OS) 190/2023**

SHEETAL YADAV @ KOYAL

.....Plaintiff

Through: Mr. Nitin Bhardwaj, Mr. Rohit Pratap
Singh, Advocates

versus

SWAPNIL YADAV @ SONU & ORS.

.....Defendants

Through: Mr. Harvinder Singh, Advocate for
D-1 & D-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

I.A. 10757/2023

1. The present application under Order VII Rule 11 of the Code of Civil Procedure, 1908 [“CPC”], has been filed on behalf of the Defendants No.1 & 2 for rejection of the Plaint on the ground that the Suit is not maintainable as it is barred by law and also does not show any cause of action.
2. The present Suit has been filed by the Plaintiff seeking partition, mandatory and permanent injunctions, rendition of accounts and mesne profits in respect of several immovable properties situated in Village Kapashera, Delhi. The parties to the Suit belong to the same family and are the legal heirs of Late Sh. Chandan Singh Yadav.
3. To adjudicate the present Application it is necessary to bring out the



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Plaint averments to see as to whether the Plaint is liable to be rejected under Order VII Rule 11 of the CPC or not. The averments in the Plaint are as under:

- a. Late Sh. Chandan Singh Yadav was the son of Late Sh. Shri Ram, who was the common ancestor of the parties and owner of various ancestral properties situated in the revenue estate of Village Kapashera, Delhi. It is stated that during the lifetime of Late Sh. Shri Ram, the ancestral properties were amicably partitioned among his legal heirs pursuant to a family settlement deed dated 18.01.2000, whereby Late Sh. Chandan Singh Yadav came into possession of certain immovable properties forming part of the ancestral estate.
- b. Late Sh. Chandan Singh Yadav died intestate in December 2000, leaving behind four legal heirs, namely the Plaintiff (his daughter), Defendant No.1 Swapnil Yadav @ Sonu (his son), Defendant No.2 Meenakshi Yadav (his wife), and Defendant No.3 Jayotsana Yadav (his daughter). Upon the death of Sh. Chandan Singh Yadav, the properties which had come to his share pursuant to the family settlement devolved upon these four legal heirs by way of intestate succession, each becoming entitled to an undivided 1/4th share in the estate of Late Sh. Chandan Singh Yadav.
- c. The properties inherited by the legal heirs of Late Sh. Chandan Singh Yadav include several immovable properties situated in Village Kapashera, Delhi. One of the principal properties comprises land measuring 1210 sq. yards forming part of



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Khasra Nos. 1291, 1293 and 1294 situated in the extended Lal Dora Abadi of Village Kapashera, containing approximately 9 shops in the front portion on the ground floor and 4 shops in the rear portion, while the remaining portion and the first floor consist of nearly 100 rooms with common washrooms and toilets, which have been rented out by Defendants No.1 and 2, who are receiving rental income from the said property. This property is referred to in the plaint as Suit Property No.1.

- d. Another property forming part of the estate is land measuring 720 sq. yards out of the same Khasra numbers, also located in the extended Lal Dora Abadi of Village Kapashera, which contains eight shops on the ground floor, out of which six shops are rented out while two shops are being used by Defendant No.1 for conducting a pharmacy business under the name M/s Tondak Consumer Goods Pvt. Ltd.. There is also an office on the first floor which has been let out to M/s Kranti Travels. This property is described as Suit Property No.2 in the plaint.
- e. The estate also includes another property measuring 2000 sq. yards forming part of Khasra Nos. 26/6, 15, 17 and 16, situated on the phirni of the extended Lal Dora Abadi of Village Kapashera. The property is surrounded by high boundary walls and is presently being used by a tenant who runs a scrap or kabadi business therefrom. This property has also been rented out by Defendants No.1 and 2 and is referred to as Suit Property No.3.
- f. Further, another property measuring 700 sq. yards forming part



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of the same Khasra numbers exists in the same locality and comprises of three shops in the front portion on the ground floor along with approximately 70 rooms on the ground and first floors with common washrooms and toilets, which have also been rented out by Defendants No.1 and 2. This property is described as Suit Property No.4.

- g. In addition to the above, there exists a residential property measuring 500 sq. yards bearing No.120, Gali No.2, Rao Harnath Marg, Village Kapashera, Delhi, which consists of a basement, ground floor and first floor. The ground floor and first floor comprises of bedrooms, kitchen and other residential facilities. The Plaintiff states that she remains in possession of one room on the first floor and stays there whenever she visits the property, while the Defendants are otherwise occupying and using the house. The wife of Defendant No.1 is also running a physiotherapy clinic in the basement of this property. This property is described as Suit Property No.5.
- h. Apart from the above properties, there was also another ancestral property measuring 400 sq. yards out of Khasra Nos.1291, 1293 and 1294, which, according to the Plaintiff, was sold by Defendant No.2 in April–May 2022 for a consideration of more than Rs.1.5 crores. The Plaintiff alleges that the sale was carried out without her knowledge or consent and that neither the details of the sale nor the details of the property allegedly purchased in Gurugram from the sale proceeds were disclosed to her. She further asserts that she was



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entitled to 1/4th share in the said property as well but has not received any portion of the sale proceeds.

- i. The Plaintiff states that she first came to know about the said sale transaction in the first week of August 2022. Thereafter, on 27.08.2022, she asked Defendant No.1 to disclose the details of the property that had been sold and the property allegedly purchased from the sale proceeds in Gurugram. However, the Defendants allegedly refused to provide any information and became hostile towards her. Following this refusal, the Plaintiff began demanding partition of the properties and her lawful share in the estate of her deceased father.
- j. It is stated that from September 2022 onwards, the Plaintiff repeatedly requested Defendants No.1 and 2 to disclose the rental income derived from the properties and to distribute the same in accordance with her entitlement as a co-owner. Despite these requests, the Defendants allegedly refused to render accounts, disclose the details of income, or effect partition of the properties.
- k. It is stated that the Plaintiff again approached the Defendants on 19.02.2023 and made a final attempt to amicably resolve the matter by requesting them to give her separate share in the Suit Properties and provide details of the income and transactions relating to the properties. However, according to the Plaintiff, the Defendants refused the request and threatened that they would sell the remaining properties and create third party interests so that the Plaintiff would not receive any share and would be



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forced to litigate for years.

1. The Plaintiff has, therefore, approached this Court seeking partition, mandatory injunction, permanent injunction, rendition of accounts, mesne profits, and other consequential reliefs.
4. Summons in the Suit were issued on 21.03.2023. Written Statements have been filed by the Defendants No.1 & 2 on 16.05.2023. Issues have yet not been framed.
5. The present Application under Order VII Rule 11 of the CPC has been filed by the Defendants No.1 & 2. The principal ground raised by the Defendants is that the succession to the properties of Late Sh. Chandan Singh Yadav is governed by the provisions of the Delhi Land Reforms Act, 1954 (*hereinafter referred to as 'the Delhi Land Reforms Act'*). According to the Defendants, Late Sh. Chandan Singh Yadav died in December 2000 and at that time the law governing succession to agricultural land in Delhi was Section 50(a) of the Delhi Land Reforms Act. Under the said provision, the bhumidari rights in the land devolve upon the male lineal descendants in the male line of descent. The Defendants, therefore, contend that upon the death of Late Sh. Chandan Singh Yadav, the entire interest in the land and properties devolved exclusively upon Defendant No.1, Swapnil Yadav, who is the only son and male lineal descendant of Late Sh. Chandan Singh Yadav. It is, therefore, stated that the Suit Properties are not entitled to be partitioned and the Suit is not maintainable in light of Section 50 of the Delhi Land Reforms Act. Defendants places reliance on the Judgment passed by the Apex Court in Har Naraini Devi v. Union of India, (2022) 18 SCC 470, which has upheld the *vires* of Section 50(a) of the Delhi Land Reforms Act. It is stated that Section 50(a) of the Delhi Land Reforms Act



was challenged as unconstitutional being ultra vires Article 14, 15, 254 & 21 of the Constitution of India and the Apex Court vide the abovementioned Judgment has upheld the vires of Section 50(a) of the Delhi Land Reforms Act. According to the Defendants, the Delhi Land Reforms Act is a special statute governing succession to agricultural land in Delhi and its provisions prevail over the general law contained in the Hindu Succession Act, 1956. It is further submitted that the rights of inheritance stood settled and crystallized at the time of the death of Late Sh. Chandan Singh Yadav in the year 2000 when the land had yet not been urbanised and it cannot be unsettled or reopened on account of any subsequent change in law, including the amendment made to the Hindu Succession Act, 1956 in 2005 which does not have any retrospective effect and since the properties had been devolved on Defendant No.1 in 2000 itself, when the land had yet not been urbanised, the present Suit for partition is not maintainable in law.

6. Heard the learned Counsels for the parties and perused the material on record.

7. Section 50 of the Delhi Land Reforms Act is reproduced herein for ready reference and the same reads as under:

“50. General order of succession from males.— Subject to the provisions of Sections 48 and 52, when a bumidhar or Asami being a male dies, his interest in his holding shall devolve in accordance with the order of the succession given below :

(a) male lineal descendants in the male line of the descent :

Provided that no member of this class shall inherit if any male descendant between him and the deceased is alive:



Provided further that the son or sons of a predeceased son howsoever low shall inherit the share which would have devolved upon the deceased if he had been then alive:

(b) widow;

(c) father;

(d) mother, being a widow;

(e) step mother, being a widow;

(f) father's father;

(g) father's mother, being a widow;

(h) widow of a male lineal descendant in the male line of descent;

(i) unmarried daughter;

(j) brother being the son of same father as the deceased;

(k) unmarried sister;

(l) brother's son, the brother having been a son of the same father as the deceased;

(m) father's father's son;

(n) brother's son's son;

(o) father's father's son's son; and

(p) daughter's son.”



8. Section 50(a) of the Delhi Land Reforms Act has been held to be a valid piece of legislation by the Apex Court in Har Naraini Devi (supra).

9. Be that as it may, it is to be remembered that the Delhi Land Reforms Act applies only to agricultural land and not any other land. Land has been defined in Section 3(13) of the Delhi Land Reforms Act which reads as under:

“3(13) “land” except in sections 23 and 24, means land held or occupied for purposes connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming and includes-

(a) buildings appurtenant thereto,

(b) village abadis,

(c) grovelands,

(d) lands for village pasture or land covered by water and used for growing singharas and other produce or land in the bed of a river and used for casual or occasional cultivation, but does not include- land occupied by buildings in belts of areas adjacent to Delhi town and New Delhi town, which the Chief Commissioner may by a notification in the official Gazette declare as an acquisition thereto.”

(emphasis supplied)

10. Sections 23 & 24 of the Delhi Land Reforms Act, which are relevant for the present case, reads as under:

“23. Use of holding for industrial purposes.

(1) A Bhumidhar or Asami shall not be entitled to use his holding or part thereof for industrial purposes, other than those immediately connected with any of the purposes referred to in section 22, unless the land lies



within the belt declared for the purpose by the Chief Commissioner by a notification in the official Gazette: Provided that the Chief Commissioner may, on application presented to the Deputy Commissioner in the prescribed manner, sanction the use of any holding or part thereof by a Bhumidhar for industrial purposes even though it does not lie within such a belt.

(2) Where permission for industrial purposes is accorded the provisions of this Chapter relating to devolution shall cease to apply to the Bhumidhar with respect to such land and he shall thereupon be governed in the matter of devolution of the land by personal law to which he is subject.

24. Reversion to agriculture –

(1) Whenever any land held by a Bhumidhar which is used for industrial purposes has become land used for purposes connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming, the Deputy Commissioner on being so satisfied, may with the sanction of the Chief Commissioner make a declaration to that effect and thereupon the Bhumidhar shall, as respects the land, be subject to the provisions relating to devolution in this chapter.

(2) Upon the grant of the declaration under subsection (1) in respect of any land any person other than the Bhumidhar in possession of the land shall

(a) If he holds it under any contract or lease, which is inconsistent with any of the provisions of this chapter, be deemed to be an occupant liable to ejection under section 84.

(b) if he holds it under any contract or lease, which is not inconsistent with any of the provisions of this chapter, be entitled to the rights in the land determined in accordance with the provisions thereof.



(3) Any contract or lease referred to in sub-clause (a) of sub section (2) which is inconsistent with the provisions of this chapter shall, to the extent of the inconsistency, become void with effect from the date of declaration:

Provided that any mortgage with possession existing on any such land shall, to the extent of the amount due and secured on such land, be deemed to have been substituted by a simple mortgage carrying such rate of interest as may be prescribed.”

11. A perusal of Section 3(13), Section 23 and Section 24 of the Delhi Land Reforms Act reveals that for the provisions of Delhi Land Reforms Act to apply the land has to be used for the purpose of connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming and includes buildings appurtenant thereto, village abadis and grovelands. Only such lands which are used for the abovementioned purposes are governed by the Delhi Land Reforms Act. The Suit Properties involved in the present case do not, on the face of the averments in the Complaint, show that they fall within the definition of “land” under the Delhi Land Reforms Act. The Suit Properties include shops which have been put up for commercial use, buildings, etc. Whether the Suit Properties comprise of agricultural land to which the Delhi Land Reforms Act would apply or not are all matters to be decided by leading evidence and only when it is proved after leading evidence that the Suit Properties are indeed agricultural land, the provisions of Delhi Land Reforms Act would apply.

12. This Court in Anand J. Datwani v. Geeti Bhagat Datwani & Ors., **2013 (137) DRJ 146**, has observed as under:-



“8. The contention of the learned counsel for the Plaintiff is that though the land/Suit property in question was an agricultural land but having regard to the fact that no agricultural activity was ever carried on it and the fact that two independent residential units have been built on it out of which one was used by the Plaintiff and the Defendant no. 1 as their residence and the other was rented out, the Suit property has ceased to be an agricultural land therefore it no longer comes within the purview of the provisions of the Delhi Land Reforms Act, 1954.

21. After having heard both the parties and perusing the judgments being relied upon by them, I am of the view that the provisions of the Delhi Land Reforms Act shall not apply to a land which at the outset was an agricultural land but is no longer being used for the agricultural purposes.

26. Above discussion makes it amply clear that an agricultural land must be used for the agricultural purposes only if the Land Reforms Laws are to be made applicable and if it is not so used, it will cease to be an agricultural land. In the instant case, admittedly, the land in question has not been used for any purposes contemplated therein under the Land Reforms Act, instead, the land has been built upon. Admittedly, two residential units have been constructed on the land in question out of which one is used by the parties as their residence and the other one was rented out and so far, the land has not been, in fact had never been used for the agricultural purposes. It is not the case of the Defendants that they are carrying out any agricultural activity or any other allied permissible activity on the land in question. Therefore, as per the aforesaid reasoning



and the view taken consistently by this court in number of judgments, the land in my considered view, has ceased to be an agricultural land and will no longer be governed by the provisions of the Delhi Land Reforms Act. Thus, the jurisdiction of civil court cannot be said to be barred by virtue of the provisions of section 185 of the Act.” (emphasis supplied)

13. Another Coordinate Bench of this Court in Harpal Singh v. Ashok Kumar & Anr., **2014 SCC OnLine Del 4860**, while dealing with the objections under Section 185(1) of the Delhi Land Reforms Act in a Suit for injunction has observed as under:-

"9. This Court is of the view that insofar as the property's character was changed because of unauthorised constructions, as averred in the Suit and as the Suit was decreed ex parte, any party aggrieved by the said decree would have to pursue his/her remedy as per law in an appeal. The Executing Court rightly cannot override the decree which has attained finality. The proceeding under Delhi Land Reforms Act deals only with agricultural land, but insofar as the Suit property has changed its character from agricultural land to unauthorised colony because of a boundary wall having been raised, and other alleged constructions in the neighbourhood, which development was not contested by the present petitioner, therefore, it cannot be said that the decree was obtained by fraud. Insofar as the petitioner-objector/Defendant had ample opportunities to contest the Suit, which was not so done, it cannot be said that the decree was based upon fraud. Therefore, reliance upon the precedents, as cited by the learned counsel for the petitioner is misplaced. The petition is without merit and is accordingly dismissed." (emphasis supplied)



14. It is therefore now settled that once a land has been put to complete non-agricultural use, the provisions of the Delhi Land Reforms Act are not applicable. A perusal of the Plaint indicates that the land in question has not been used as an agricultural land. Whether the land in question is an agricultural land or not, will be decided only after evidence is led.

15. For the adjudication of the present Application, it is pertinent to refer to Order VII Rule 11 of the CPC, which reads as under:

“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.”



16. The law relating to rejection of a Plaint under Order VII Rule 11 of the CPC is crystallized through various judgments of the Apex Court. The Apex Court in Popat and Kotecha Property v. State Bank of India Staff Assn., (2005) 7 SCC 510, has held as under:

“13. Before dealing with the factual scenario, the spectrum of Order 7 Rule 11 in the legal ambit needs to be noted.

14. In Saleem Bhai v. State of Maharashtra [(2003) 1 SCC 557] it was held with reference to Order 7 Rule 11 of the Code that the relevant facts which need to be looked into for deciding an application thereunder are the averments in the plaint. The trial court can exercise the power at any stage of the Suit — before registering the plaint or after issuing summons to the Defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Order 7 Rule 11 of the Code, the averments in the plaint are the germane; the pleas taken by the Defendant in the written statement would be wholly irrelevant at that stage.

15. In I.T.C. Ltd. v. Debts Recovery Appellate Tribunal [(1998) 2 SCC 70] it was held that the basic question to be decided while dealing with an application filed under Order 7 Rule 11 of the Code is whether a real cause of action has been set out in the plaint or something purely illusory has been stated with a view to get out of Order 7 Rule 11 of the Code.

16. The trial court must remember that if on a meaningful and not formal reading of the plaint it is manifestly vexatious and meritless in the sense of not disclosing a clear right to sue, it should exercise the power under Order 7 Rule 11 of the Code taking care to see that the ground mentioned therein is fulfilled. If



clever drafting has created the illusion of a cause of action, it has to be nipped in the bud at the first hearing by examining the party searchingly under Order 10 of the Code. (See T. Arivandandam v. T.V. Satyapal [(1977) 4 SCC 467] .)

17. It is trite law that not any particular plea has to be considered, and the whole plaint has to be read. As was observed by this Court in Roop Lal Sathi v. Nachhattar Singh Gill [(1982) 3 SCC 487] only a part of the plaint cannot be rejected and if no cause of action is disclosed, the plaint as a whole must be rejected.

18. In Raptakos Brett & Co. Ltd. v. Ganesh Property [(1998) 7 SCC 184] it was observed that the averments in the plaint as a whole have to be seen to find out whether clause (d) of Rule 11 of Order 7 was applicable.

19. There cannot be any compartmentalisation, dissection, segregation and inversions of the language of various paragraphs in the plaint. If such a course is adopted it would run counter to the cardinal canon of interpretation according to which a pleading has to be read as a whole to ascertain its true import. It is not permissible to cull out a sentence or a passage and to read it out of the context in isolation. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense. The intention of the party concerned is to be gathered primarily from the tenor and terms of his pleadings taken as a whole. At the same time it should be borne in mind that no pedantic approach should be adopted to defeat justice on hair-splitting technicalities.

20. Keeping in view the aforesaid principles the reliefs



sought for in the Suit as quoted supra have to be considered. The real object of Order 7 Rule 11 of the Code is to keep out of courts irresponsible law Suits. Therefore, Order 10 of the Code is a tool in the hands of the courts by resorting to which and by searching examination of the party in case the court is prima facie of the view that the Suit is an abuse of the process of the court in the sense that it is a bogus and irresponsible litigation, the jurisdiction under Order 7 Rule 11 of the Code can be exercised.”

17. In its latest judgment in Indian Evangelical Lutheran Church Trust Assn. v. Sri Bala & Co., **2025 SCC OnLine SC 48**, the Apex Court has held as under:

“6.1. ...

(i) In T. Arivandandam v. T.V. Satyapal, (1977) 4 SCC 467, this Court while examining the aforesaid provision has held that the trial court must remember that if on a meaningful and not a formal reading of the plaint it is manifestly vexatious and meritless in the sense of not disclosing a clear right to sue, it should exercise the power under Order VII Rule 11 of the Code taking care to see that the ground mentioned therein is fulfilled. If clever drafting has created the illusion of a cause of action, it has to be nipped in the bud at the first hearing by examining the party searchingly under Order X of the Code, as observed by Krishna Iyer, J.

(ii) The object of the said provision was laid down by this Court in Sopan Sukhdeo Sable v. Assistant Charity Commissioner, (2004) 3 SCC 137. Similarly, in Popat and Kotecha Property v. State Bank of India Staff Association, (2005) 7 SCC 510, this Court has culled out the legal ambit of Order VII Rule 11 of the Code.



(iii) It is trite law that not any particular plea has to be considered, but the whole plaint has to be read. As was observed by this Court in Roop Lal Sathi v. Nachhattar Singh Gill, (1982) 3 SCC 487, only a part of the plaint cannot be rejected and if no cause of action is disclosed, the plaint as a whole must be rejected. Similarly, in Raptakos Brett & Co. Ltd. v. Ganesh Property, (1998) 7 SCC 184, it was observed that the averments in the plaint as a whole have to be seen to find out whether clause (d) of Rule 11 Order VII of the Code is applicable.

(iv) It was further held with reference to Order VII Rule 11 of the Code in Saleem Bhai v. State of Maharashtra, (2003) 1 SCC 557 that the relevant facts which need to be looked into for deciding an application thereunder are the averments in the plaint. The trial court can exercise the power at any stage of the Suit i.e. before registering the plaint or after issuing summons to the Defendant at any time before the conclusion of the trial. For the purposes of deciding an application under clauses (a) and (d) of Order VII Rule 11 of the Code, the averments in the plaint are germane; the pleas taken by the Defendant in the written statement would be wholly irrelevant at that stage.

(v) In R.K. Roja v. U.S. Rayudu, (2016) 14 SCC 275, it was reiterated that the only restriction is that the consideration of the application for rejection should not be on the basis of the allegations made by the Defendant in his written statement or on the basis of the allegations in the application for rejection of the plaint. The court has to consider only the plaint as a whole, and in case the entire plaint comes under the situations covered by Order VII Rules 11(a) to (f) of the Code, the same has to be rejected.



(vi) In Kuldeep Singh Pathania v. Bikram Singh Jaryal, (2017) 5 SCC 345, this Court observed that the court can only see whether the plaint, or rather the pleadings of the Plaintiff, constitute a cause of action. Pleadings in the sense where, even after the stage of written statement, if there is a replication filed, in a given situation the same also can be looked into to see whether there is any admission on the part of the Plaintiff. In other words, under Order VII Rule 11, the court has to take a decision looking at the pleadings of the Plaintiff only and not on the rebuttal made by the Defendant or any other materials produced by the Defendant.

(vii) In an application under Order VII Rule 11 of the Code, a plaint cannot be rejected in part. This principle is well established and has been continuously followed since the 1936 decision in Maqsud Ahmad v. Mathra Datt & Co. AIR 1936 Lah 1021. This principle is also explained in another decision of this Court in Sejal Glass Ltd. v. Navilan Merchants Private Ltd., (2018) 11 SCC 780 which was again followed in Madhav Prasad Aggarwal v. Axis Bank Ltd., (2019) 7 SCC 158.

(viii) In Biswanath Banik v. Sulanga Bose, (2022) 7 SCC 731, this Court discussed the issue whether the Suit can be said to be barred by limitation or not, and observed that at this stage, what is required to be considered is the averments in the plaint. Only in a case where on the face of it, it is seen that the Suit is barred by limitation, then and then only a plaint can be rejected under Order VII Rule 11(d) of the Code on the ground of limitation. At this stage what is required to be considered is the averments in the plaint. For the aforesaid purpose, the Court has to consider and read the averments in the plaint as a whole.”



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18. Perusal of the above observations of the Apex Court shows that the remedy under Order VII Rule 11 of the CPC is an independent and special remedy, wherein the court is empowered to summarily dismiss a Suit at the very threshold, without proceeding to record evidence or conduct a trial, on the basis of the evidence adduced, if it is satisfied that the action should be terminated on any of the grounds contained under Order VII Rule 11 of the CPC. The whole purpose of conferment of such powers is to ensure that a litigation, which is meaningless and bound to prove abortive, should not be permitted to occupy the time of the court.

19. While deciding an Application under Order VII Rule 11 of the CPC, this Court is confined only to examining the averments in the Plaint and the documents filed and to see as to whether a real cause of action has been set out in the Plaint or not and to make sure that the plaint is not manifestly vexatious and meritless.

20. Having considered the rival submissions and perused the material on record, this Court is of the opinion that the present Application does not merit acceptance. At the stage of deciding an application under Order VII Rule 11 of the CPC, this Court is required to examine only the averments contained in the Plaint and the documents filed by the Plaintiff, and not the defence taken by the Defendants.

21. On a reading of the Plaint in its entirety, it does not appear that the Suit Properties constitute agricultural land so as to *prima facie* attract the provisions of the Delhi Land Reforms Act. The averments in the Plaint indicate that the Suit Properties consist of constructed premises comprising shops, rooms and residential structures which are being used for commercial



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and residential purposes. At this stage, while considering an Application under Order VII Rule 11 of the CPC, the Court is required to proceed only on the basis of the averments made in the Plaint. The question as to whether the Suit Properties fall within the definition of “land” under Section 3(13) of the Delhi Land Reforms Act and whether the provisions of Section 50 of the Delhi Land Reforms Act would govern the succession to the said properties are matters which would require adjudication on the basis of evidence. Consequently, it cannot be held at this stage that the Suit is barred by the provisions of the Delhi Land Reforms Act so as to warrant rejection of the Plaint under Order VII Rule 11(d) of the CPC.

22. Accordingly, the present Application is dismissed.

23. However, it is always open for the Defendants to take up the ground of Section 50(a) of the Delhi Land Reforms Act once it is established that the Suit Properties are indeed agricultural land.

24. It is made clear that this Court has not made any observations on the applicability of Section 50 of the Delhi Land Reforms Act, the question as to whether the land has been urbanised and the right of the Plaintiff after the 2005 amendment in the Hindu Succession Act, 1956 at this juncture.

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25. List on 11.08.2026.

SUBRAMONIUM PRASAD, J

MARCH 24, 2026

Rahul