
(2025) 08 JH CK 0805
In the Jharkhand High Court
Case No : C.M.P. No. 298 Of 2025

Satyan Tirkey

APPELLANT

Vs

Sukra Oraon

RESPONDENT

Date of Decision : 12-08-2025

Acts Referred:

Code of Civil Procedure, 1908 — Section 151, Order 7 Rule 11, Order 7 Rule 11(a)(d)

Citation : (2025) 08 JH CK 0805

Hon'ble Judges : Gautam Kumar Choudhary, J

Bench : Single Bench

Advocate : Devendranath Tiwary, Manish Mishra, Anish Kr. Mishra, Satyanaran Prasad

Final Decision : Dismissed

Judgement

Gautam Kumar Choudhary, J

1. Defendant is before this Court, assailing the order dated 25.09.2024 passed in Original Suit No.326 of 2019 on a petition under Order VII Rule 11(a)(d) read with Section 151 of the CPC for rejecting the plaint on the grounds that the cause of action has not been disclosed and suit was barred by limitation, as it was filed after three years from the said date of cause of action.
2. Plaintiff's suit is for declaration of right, title, interest and possession over the suit land, along with the prayer to declare the sale deed executed on 07.07.2015 to be null and void and not binding upon the plaintiffs.
3. The Hon'ble Supreme Court in its different decisions has laid down the guidelines to deal with an application under Order VII Rule 11 of CPC. The remedy is summary in nature, wherein the Court has empowered to dismiss a suit at the threshold, without proceeding to record the evidence and to conduct a trial. The Court is mainly to confine its averment made in the plaint. If the averments do not disclose a cause of action, or the suit is undervalued or it is barred by law, then a plaint can be rejected summarily.

4. In the present case, the application for rejection of plaint has been filed mainly on the ground that the suit was barred by limitation and does not disclose cause of action. It is a settled law that on its basis, the plaint cannot be rejected at the threshold as it is a triable issue.

In this view of the matter, I do not find any infirmity in the impugned order.

The instant civil misc. petition is, accordingly, dismissed.

Pending I.A., if any, stands disposed of.