



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Revision Petition No. 155/2026

Sandeep Singh S/o Late Hoshiyaar Singh, Aged About 40 Years,  
Resident Of Ram Laxman Colony, Nawa City, District Deedwana  
Kuchaman Rajasthan.

-----Petitioner

Versus

1. Babita Yadav Spouse/o Late Pradeep Singh, Aged About 40 Years, Resident Of Ram Laxman Colony, Nawa City, District Deedwana Kuchaman Rajasthan.
2. Ishita Yadav D/o Late Pradeep Singh, Aged About 19 Years, Resident Of Ram Laxman Colony, Nawa City, District Deedwana Kuchaman Rajasthan.
3. Masoom Nishita Yadav D/o Late Pradeep Singh, Aged About 16 Years, Resident Of Laxman Colony, Nawa City, District Deedwana Kuchaman Rajasthan.
4. Reshmi Devi W/o Late Hoshiyaar Singh, Aged About 60 Years, Resident Of Ram Laxman Colony, Nawa City, District Deedwana Kuchaman Rajasthan.
5. General Manager, District Industrial And Commercial Center, Deedwana Kuchaman Rajasthan.

-----Respondents

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For Petitioner(s) : Mr. Deependra Singh Shekhawat  
For Respondent(s) : -

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**REPORTABLE**

**14/05/2026**

1. The present revision petition under Section 115 of the CPC has been preferred assailing the order dated 23.04.2026 passed by the learned Senior Civil Judge, Nawa City in Civil Suit No.23/2026 whereby the application preferred by the defendants-petitioners under Order VII Rule 11 CPC came to be rejected.



2. Learned counsel for the petitioners submitted that the suit as framed is not maintainable inasmuch as despite serious dispute regarding title and rights over the suit property, the plaintiffs have merely sought the relief of perpetual and mandatory injunction without seeking declaration of their rights. It was contended that the plaintiffs themselves have pleaded existence of rival documents and competing claims and, therefore, in absence of a substantive declaratory relief, the plaint deserves rejection. It was further submitted that the dispute pertains to land governed by the special statutory framework relating to saline land allotment and the jurisdiction of the civil court is barred.

3. I have considered the submissions advanced at the Bar and have gone through the pleadings contained in the plaint as also the impugned order.

4. At the outset, it is required to be noticed that while considering an application under Order VII Rule 11 CPC, the Court is confined to the averments contained in the plaint and the defence raised by the defendants cannot be looked into for the purpose of rejection of plaint. The plaint has to be read as a whole in a meaningful manner.

5. A plain reading of the plaint reveals clear pleadings to the effect that the suit property originally belonged to late Pradeep Singh and after his demise the same devolved upon the plaintiffs being his legal heirs namely wife, son and daughter. There are specific assertions regarding their proprietary rights and possession over the suit property. The cause of action pleaded in





the plaint is the alleged threat of dispossession and interference by the defendants on the strength of an alleged forged and fabricated lease deed. The plaintiffs have consequently sought relief of perpetual injunction restraining the defendants from interfering in their peaceful possession and also consequential mandatory injunction. Thus, even proceeding on the averments contained in the plaint itself, the case setup by the plaintiffs is that they are owners and are in possession of the suit property and that interference is being caused by the defendants on the strength of documents alleged to be forged. In such circumstances, at this stage, it cannot be said that the suit for injunction simpliciter is barred by law merely because declaratory relief has not been sought.

6. Whether the plaintiffs are ultimately able to establish their rights, title or possession over the suit property is altogether a different matter and shall be determined only after parties lead evidence during trial. It may ultimately transpire that the plaintiffs fail to prove their asserted rights and the suit may even be dismissed on merits, however, such possibility by itself cannot furnish a ground for rejection of plaint under Order VII Rule 11 CPC. The controversy raised by the petitioners essentially pertains to disputed questions of fact which cannot be adjudicated within the limited scope of proceedings under Order VII Rule 11 CPC.

7. This Court is, therefore, of the view that the learned trial Court has not committed any jurisdictional error or material





irregularity in rejecting the application preferred under Order VII Rule 11 CPC.

8. The revision petition being devoid of merit is dismissed at the admission stage itself. Pending application(s), if any, also stand disposed of.

**(FARJAND ALI),J**

177-Pramod/-

