



2026:AHC:183233

HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 12345 of 2025

Neeraj Maheshwari

.....Petitioner(s)

Versus

Shri Narayanlal Dharamshala Trust, Kasganj

.....Respondent(s)

Counsel for Petitioner(s)	: Aarushi Birla, Utkarsh Birla
Counsel for Respondent(s)	: Ashutosh Ganguli, Pranab Kumar Ganguli

A.F.R.

Court No. - 35

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

1. Heard Sri Utkarsh Birla, learned counsel for the petitioner and Sri Pranab Kumar Ganguli, learned counsel appearing for the respondent.
2. The present petition has been filed assailing the order dated 29.05.2024 passed by the Civil Judge (Senior Division), Kasganj in S.C.C. Suit No. 2 of 2019 (Shri Narayanlal Dharamshala Trust, Kasganj Vs. Neeraj Maheshwari), as also the subsequent order dated 27.08.2025 passed by the District Judge, Kasganj in S.C.C. Revision No. 16 of 2024 (Neeraj Maheshwari Vs. Shri Narayanlal Dharamshala Trust, Kasganj), whereby the order passed by the trial court has been affirmed.
3. The controversy in the present petition relates to the tenancy of a shop situated at Bazaar Nadrai Gate, near Jain Mandir, Kasganj, which admittedly belongs to the respondent-Trust. The case set up by the petitioner is that the shop was originally let out to his grandfather, Shri Mormukut, and that the tenancy thereafter devolved upon his father, Shri Devendra Kumar Maheshwari. According to the petitioner, upon the

death of his father, he succeeded to the tenancy in the year 2005 and has since been paying rent at the rate of Rs.1,000/- per month.

4. It appears that a dispute arose between the parties in the year 2017 with regard to the petitioner's occupation of the shop. The petitioner thereupon instituted Original Suit No. 218 of 2017 (Neeraj Maheshwari Vs. Pankaj Jain) before the Court of 2nd Additional Civil Judge (Junior Division), Kasganj, seeking a decree of permanent injunction restraining his alleged forcible eviction from the tenanted premises. The said suit was decreed *ex parte* by judgment and order dated 28.03.2019. The petitioner asserts that the said judgment was not assailed and, consequently, attained finality.

5. Thereafter, the respondent-Trust instituted S.C.C. Suit No. 2 of 2019 on 27.05.2019 before the Judge, Small Causes Court/Civil Judge (Senior Division), Kasganj, seeking eviction of the petitioner from the disputed shop.

6. Upon receipt of notice in the said suit, the petitioner deposited a sum of Rs.34,000/- towards the rent alleged to be outstanding, along with interest and other expenses, making a total deposit of Rs.44,000/- on 29.07.2019. The respondent thereafter filed its objections to the said deposit on 09.08.2019.

7. The petitioner filed his written statement in the SCC Suit on 13.11.2019, which was subsequently amended pursuant to an amendment application allowed on 26.04.2023. In the written statement, the petitioner disputed the allegations contained in the plaint and, *inter alia*, pleaded that the Secretary of the respondent-Trust had declined to accept rent on a monthly basis and had instead insisted upon payment at the end of the year. The petitioner also referred to Misc. Case No. 16 of 2018, wherein, according to him, rent for the period from 01.10.2016 to 31.05.2018 had been deposited under Section 30(1) of the U.P. Act No. 13 of 1972.

8. The petitioner also raised objections to the maintainability of the SCC Suit and invoked Order VII Rule 11 CPC. It was contended that the plaint did not disclose any cause of action and did not specify when, where or in what manner the alleged cause of action had arisen. It was further contended that the plaint did not contain the requisite particulars regarding the status and authority of the respondent-Trust, including the Trust Deed and the authority of its Secretary to institute the suit. The petitioner also questioned the applicability of the U.P. Act No. 13 of 1972, contending that the respondent had merely asserted that the premises were exempt from the operation of the said Act without placing the requisite material on record.

9. It has been pointed out by learned counsel for the parties that the trial court formulated the points for determination on 19.05.2023, wherein Point No. 6 was specifically framed to consider whether the suit was liable to be rejected under Order VII Rule 11 CPC.

10. By order dated 29.05.2024, the trial court decided Point No. 6 against the defendant-tenant and rejected his contention that the plaint did not disclose any cause of action. The objection raised under Order VII Rule 11 CPC was, accordingly, not accepted.

11. The aforesaid order was assailed by the petitioner before the revisional court. The District Judge, Kasganj, by order dated 27.08.2025, dismissed S.C.C. Revision No. 16 of 2024. While doing so, the revisional court took note of the petitioner's admission in the written statement regarding his status as a tenant and also of his reference to payment of rent upto a particular date. The revisional court further noticed the assertion made in the plaint regarding service of a registered notice by the plaintiff and, upon consideration of the plaint averments and the pleadings, concluded that the landlord-tenant relationship between the parties was disclosed and that it could not be said that the plaint failed to disclose any cause of action. The revisional court accordingly affirmed the order passed by the trial court.

12. Learned counsel for the petitioner submits that, apart from the objection that the plaint did not disclose any cause of action, several other objections touching upon the maintainability of the suit had also been raised in the written statement, but the same have neither been considered nor adjudicated upon by the courts below.

13. Learned counsel appearing for the respondent, on the other hand, submits that the objection pressed before the trial court under Order VII Rule 11 CPC was essentially confined to the alleged absence of cause of action. It is submitted that the trial court, as well as the revisional court, duly considered the averments contained in the plaint and the pleadings of the parties and rightly concluded that the plaint disclosed a cause of action. The suit, therefore, could not be rejected under Order VII Rule 11 CPC on the ground urged by the petitioner.

14. Upon consideration of the facts and circumstances of the case and the orders impugned herein, this Court finds that the principal question which fell for consideration before the courts below was whether, on a meaningful reading of the plaint, the same was liable to be rejected at the threshold under Order VII Rule 11(a) CPC on the ground that it failed to disclose any cause of action.

15. The principles governing the exercise of jurisdiction under Order VII Rule 11(a) CPC are well settled. The Court, while considering whether a plaint discloses a cause of action, is required to undertake a meaningful reading of the plaint as a whole. If, on such reading, the plaint discloses a real and subsisting cause of action, it cannot be rejected merely because the claim may ultimately fail upon adjudication. Conversely, where the plaint is manifestly vexatious or meritless and does not disclose a clear right to sue, the power under Order VII Rule 11 CPC is required to be exercised. The distinction between a real cause of action and an illusion of a cause of action created by clever drafting has been emphasised by the Supreme Court in **T. Arivandandam v. T.V. Satyapal**¹.

1 (1977) 4 SCC 467

16. The enquiry under Order VII Rule 11(a) CPC is founded upon the averments contained in the plaint. The Court is required to proceed on the basis of the facts pleaded therein, read as a whole, and cannot ordinarily embark upon an enquiry into their truth or correctness at that stage. Equally, the pleas raised by the defendant in the written statement are not germane to the determination of whether the plaint discloses a cause of action. The principle has been authoritatively stated by the Supreme Court in **Saleem Bhai v. State of Maharashtra**², wherein it was held that, for the purposes of clauses (a) and (d) of Order VII Rule 11 CPC, the averments in the plaint are germane and the pleas taken in the written statement are wholly irrelevant.

17. The aforesaid principles have subsequently been reiterated and comprehensively summarised by the Supreme Court in **Dahiben v. Arvindbhai Kalyanji Bhanusali**³. The plaint is required to be read in its entirety and the Court, while considering an objection under Order VII Rule 11(a) CPC, is not required to conduct a mini-trial or examine whether the allegations contained in the plaint are ultimately capable of being proved. The question at that stage is confined to whether, assuming the material averments in the plaint to be correct for the purposes of the enquiry, they disclose a cause of action and a right to seek the relief claimed.

18. The expression "cause of action" in this context refers to the bundle of material facts which the plaintiff must establish, if traversed, in order to obtain the relief claimed. The test, therefore, is not whether the plaintiff is likely ultimately to succeed, but whether the plaint contains the foundational facts which, if established, would entitle the plaintiff to the relief sought. The existence of a cause of action and the proof of the facts constituting such cause of action are distinct matters. A defence which, if established, may defeat the plaintiff's claim cannot ordinarily be converted into a ground for rejection of the plaint under Order VII Rule 11(a) CPC.

2 (2003) 1 SCC 557

3 (2020) 7 SCC 366

19. It follows that the jurisdiction under Order VII Rule 11(a) CPC, though intended to prevent a wholly untenable litigation from proceeding to trial, is nevertheless confined to the statutory enquiry contemplated by that provision. The Court must guard against both extremes: it must not permit a plaint which, on a meaningful reading, discloses no real right to sue to proceed merely because it contains cleverly drafted assertions; equally, it cannot reject a plaint by testing the correctness of its averments, weighing the defence, or determining disputed questions which properly fall for adjudication at the trial. Where the plaint, taken at face value and read as a whole, discloses facts constituting a right to seek the relief claimed, the objection under Order VII Rule 11(a) CPC must fail.

20. In the present case, the trial court, while considering the aforesaid objection, noticed that the plea had been raised by the defendant in paragraph 33 of the written statement, wherein it was contended that no cause of action had accrued in favour of the plaintiff and that the plaint did not disclose when, where or on which date the alleged cause of action had arisen. The trial court, however, examined the averments contained in paragraph 10 of the plaint and found that the plaintiff had specifically pleaded the facts constituting the alleged cause of action. As noticed in the impugned order, the plaintiff had pleaded the defendant's continued occupation of the disputed shop as a tenant, the subsisting landlord-tenant relationship between the parties, the alleged failure to pay rent despite repeated demands, the consequent arrears of rent and, ultimately, termination of the tenancy by notices followed by the defendant's failure to comply therewith.

21. The trial court further noticed the specific averment contained in paragraph 5 of the plaint that the defendant had last paid rent on 30.08.2016 for the period from October, 2015 to September, 2016 and had thereafter allegedly failed to pay rent, resulting in arrears with effect from 01.10.2016. It also took note of the averment in paragraph 6 of the plaint regarding the notices dated 21.09.2017, 07.10.2017 and

01.11.2017, stated to have been sent to the defendant by registered post. On a consideration of these averments, the trial court concluded that the plaint disclosed the factual foundation for the relief of eviction claimed by the plaintiff and was, therefore, not liable to be rejected under Order VII Rule 11(a) CPC for want of disclosure of a cause of action.

22. The revisional court independently examined the aforesaid conclusion. It, in particular, noticed that the defendant himself had admitted in his written statement that he was a tenant in the disputed premises and that the landlord-tenant relationship between the parties was not in dispute in the pleadings. The revisional court also took note of the plaintiff's allegation regarding non-payment of rent with effect from 01.10.2016 and the assertion regarding service of the notices terminating the tenancy. Upon consideration of these averments, the revisional court found that the plaint contained sufficient factual assertions constituting a cause of action and that the conclusion reached by the trial court did not suffer from any error.

23. The material placed before this Court further shows that the petitioner had raised several other objections in his written statement. It was, *inter alia*, asserted that the plaintiff-Trust was neither a registered institution nor a juristic person competent to institute the suit; that no meeting or resolution authorising the institution of the suit had been passed by the Trust; that its Secretary, Pankaj Jain, had not been authorised either to issue the notices or to institute the proceedings; that the petitioner had in fact been tendering rent which was allegedly not being accepted by the plaintiff and that, consequently, rent for the period from 01.10.2016 to 31.05.2018 had been deposited under Section 30(1) of the U.P. Act No. 13 of 1972 in Misc. Case No. 16 of 2018; that the alleged notices had not been served upon him; and that no rent was legally due from him. Reliance was also placed upon the decree dated 28.03.2019 passed in Original Suit No. 218 of 2017, instituted by the petitioner seeking permanent injunction against his alleged forcible dispossession.

24. The aforesaid pleas do not demonstrate that the plaint itself fails to disclose a cause of action. They substantially concern the correctness of the plaintiff's allegations, the existence of a valid cause of termination, the authority of the person instituting the proceedings, the alleged payment or deposit of rent and the legal consequences flowing from such payment or deposit. These are matters which may affect the plaintiff's ultimate entitlement to relief, but their consideration cannot be equated with an enquiry as to whether the plaint discloses the foundational facts giving rise to the right asserted.

25. In the present case, the plaintiff has not merely asserted, in a general or bald manner, that a cause of action exists. As noticed by both the courts below, the plaint sets out the landlord-tenant relationship between the parties, the alleged failure of the defendant to pay rent, the period from which the rent is stated to have remained unpaid, the alleged demands for payment, the notices stated to have been issued for termination of the tenancy and the defendant's alleged failure to comply therewith. These averments, taken at their face value for the limited purpose of considering an objection under Order VII Rule 11(a) CPC, disclose the factual foundation on which the relief of eviction and the consequential reliefs claimed by the plaintiff are founded.

26. The petitioner's own case proceeds on the basis that the tenancy in respect of the disputed shop, was originally created in favour of his grandfather, thereafter devolved upon his father and, following the death of his father, upon the petitioner. His defence is that rent was duly tendered and was also deposited in proceedings under Section 30(1) of the U.P. Act No. 13 of 1972; that no rent was legally outstanding; that the notices were not duly served upon him; and that the representative of the plaintiff lacked authority to institute the proceedings. These pleas may have a bearing upon the plaintiff's ultimate entitlement to a decree of eviction, but they do not, in the facts of the present case, establish that the plaint itself fails to disclose a cause of action.

27. The impugned orders further indicate that the trial court has already formulated the points for determination and that the question relating to the applicability of the U.P. Act No. 13 of 1972 is also required to be adjudicated in the suit. The suit is stated to be at the stage of hearing. In these circumstances, there appears to be no justification for this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution, to undertake an examination of the merits of the various factual and legal defences otherwise available to the petitioner before the trial court.

28. The revisional court, while affirming the order of the trial court, has essentially proceeded on the basis that the plaint contains specific averments constituting the alleged cause of action. To the extent the revisional court also took note of the admission contained in the written statement, the same was not germane to the determination of the objection under Order VII Rule 11(a) CPC and, in any event, was unnecessary to sustain the conclusion reached by the trial court. On an independent examination of the plaint, this Court is satisfied that the plaint, read as a whole and taken at face value for the limited purpose of the present enquiry, discloses the foundational facts constituting a cause of action for the relief claimed. The conclusion reached by the courts below, therefore, does not suffer from any patent jurisdictional error, perversity or manifest illegality warranting interference under Article 227 of the Constitution.

29. It is clarified, however, that the rejection of the objection under Order VII Rule 11(a) CPC does not amount to an adjudication upon the correctness of the plaintiff's allegations regarding arrears of rent, service or validity of the notices, entitlement to eviction, authority of the Trust or its Secretary, applicability of the U.P. Act No. 13 of 1972, effect of the deposits allegedly made under Section 30 thereof, or the legal effect of the decree dated 28.03.2019 passed in Original Suit No. 218 of 2017. None of these questions is being finally determined in the present proceedings. The consideration herein is confined to the limited question

whether the plaint discloses a cause of action so as to attract rejection under Order VII Rule 11(a) CPC.

30. The petitioner shall remain at liberty to urge before the trial court all such objections and defences as may otherwise be available to him in law. The trial court shall consider and adjudicate upon the same in accordance with law, on the basis of the pleadings and evidence properly brought on record, uninfluenced by the observations contained in the present order, except to the limited extent that the plaint cannot be rejected under Order VII Rule 11(a) CPC for want of disclosure of a cause of action.

31. For the reasons aforesaid, this Court finds no ground to interfere with the order dated 29.05.2024 passed by the Civil Judge (Senior Division), Kasganj in S.C.C. Suit No. 2 of 2019, as affirmed by the revisional court by order dated 27.08.2025 in S.C.C. Revision No. 16 of 2024, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. The petition is, accordingly, disposed of.

(Dr. Yogendra Kumar Srivastava,J.)

September 02, 2026

Arun K. Singh