



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Revision No. 6930 of 2018 (O&M)
Date of Decision: 20.08.2025**

Sh. Sameer Dogra and another

..... Petitioners

Versus

Smt. Vandana Gujral

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankur Ghai, Advocate
for the petitioners-defendants (through video-conferencing).

Mr. Rajat Khanna, Advocate
for the respondent-plaintiff.

HARKESH MANUJA, J. (ORAL)

The petitioners-defendants, by way of present revision petition filed under Article 227 of the Constitution of India, seek setting aside of an order dated 17.09.2018 (Annexure P-1) passed by learned Civil Judge (Junior Division), Ludhiana, (**hereinafter referred to as “trial Court”**) whereby their application under Order VII Rule 11 of The Code of Civil Procedure, 1908 (**for short “CPC”**) seeking rejection of the plaint presented by the respondent-plaintiff, was declined.

[2] Briefly stating, the respondent-plaintiff (Smt. Vandana Gujral) filed a suit for possession qua property at Unit No. 321 and 321-A, Dr. Sham Singh Road, Civil Lines, Ludhiana except the plot measuring 85’ X 90’; the operative portion from the head-note of the plaint is extracted hereunder:-

“ *Suit for possession of the entire property at Units No. 321 and 321/A, Dr. Sham Singh Road, Civil Lines,*

Ludhiana, in favor of the Plaintiff except the Plot measuring 85' X 90' bounded in the South: 85' by Dr. Sham Singh Road, in the East 90 feet by the said 15' wide common road, North: 85' and 90' in the West which belongs to Defendant No. 1 and subsequently Defendant No. 2 on the basis of Wills dated 22.07.1996 and 15.03.1999 and a Codicil dated 4.05.2007 of Late Sh. Vijay Kumar Dogra."

[3] Upon notice, the petitioners-defendants filed an application under Order VII Rule 11 of CPC with a prayer for rejection of plaint, primarily on the ground that a copy of the plaint was not presented in duplicate before the learned trial Court, besides the contents of the plaint not been signed by the respondent-plaintiff. The aforesaid application was opposed at the instance of respondent-plaintiff.

[4] The trial Court, vide order dated 17.09.2018 rejected the application made by the petitioners and aggrieved thereof, present revision petition came to be filed at their instance.

[5] Learned counsel for the petitioners-defendants, while impugning the aforementioned order dated 17.09.2018 submits that in terms of Order IV Rule 1 of CPC, duplicate copy of the plaint was required to be presented before the learned trial Court at the time of filing of suit and in the absence thereof, the plaint was liable to be rejected. He further submits that though the verification part of the plaint was signed by the respondent-plaintiff, however, the portion proceedings the same i.e. the contents of plaint were not signed by the respondent-plaintiff, as such, the same was liable to be rejected and thus, the impugned order was liable to be set aside.

[6] On the other hand, learned counsel for the respondent-plaintiff submits that both the objections raised by the petitioners-defendants in their

application under Order VII Rule 11 of CPC could be remedied and thus, the impugned order passed by learned trial Court while appreciating the legal position, calls for no interference.

[7] I have heard leaned counsel for the parties and gone through the paper-book.

[8] In the facts and circumstances of the present case, wherein the defects in the presentation of suit; such as non-filing of the plaint in duplicate or even non-signing of the plaint by the plaintiff can be remedied or cured and, therefore, in the considered opinion of this Court, it would not be appropriate to reject the plaint itself. Though, the Order VII Rule 11 (e) of CPC specifically mentions about the rejection of plaint for want of filing of its duplicate copy, however, the same cannot be held as mandatory and at best, it can only be interpreted as directory in nature being germane to procedural in nature. The relevant provisions of Order IV Rule 1 as well as Order VII Rule 11 of CPC are extracted hereunder:-

“ **ORDER IV-INSTITUTION OF SUITS**

Rule 1. Suit to be commenced by plaintiff—

- (1) *Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.*
- (2) *Every plaint shall comply with the rules contained in Orders VI and VII, so far as they are applicable.*

ORDER VII- PLAINT

Rule 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 :

(e) [where it is not filed in duplicate;] *[Inserted by the Code of Civil Procedure (Amendment) Act, 1999, Section 17 (w.e.f. 1.7.2002).]*

(f) [where the plaintiff fails to comply with the provisions of rule 9:] [Substituted by the Code of Civil Procedure (Amendment) Act, 2002, Section 8, for sub-Clauses (f) and (g) (w.e.f. 1.7.2002) (as inserted by the Code of Civil Procedure (Amendment) Act, 1999, Section 17 (w.e.f. 1.7.2002).]

[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.]

[8.1] Be that as it may, even the Filing Section of the learned trial Court can always point out the fact regarding non-filing of duplicate copy of plaint at the time of presentation of suit and its receipt. Furthermore, even the learned trial Court itself at the time of taking up the plaint and while issuing notice thereupon to the defendants can also call upon the plaintiff to remedy the said defect or at best can return the same to the plaintiff for its

presentation in terms of Order IV Rule 1 of CPC and it is only in case the plaintiff refuses to file the duplicate copy of the plaint despite the asking of the Filing Section of Civil Court or even by the learned Court itself, the plaint can be rejected in terms of Order VII Rule 11 (e) of CPC. In such circumstances, no fault can be found with the discretion exercised by the learned trial Court while passing the impugned order. The aforesaid view is even derived from the observations made by the Hon'ble Apex Court in case of "***Salem Advocate Bar Association, T.N. Versus Union of India***", (2003) 1 SCC 49, relevant para-16 thereof is extracted hereunder:-

“ 16. Our attention has been drawn to Order 7 Rule 11 to which clauses (e) and (f) have been added which enable the court to reject the plaint where it is not filed in duplicate or where the plaintiff fails to comply with the provisions of Rule 9 of Order 7. It appears to us that the said clauses being procedural would not require the automatic rejection of the plaint at the first instance. If there is any defect as contemplated by Rule 11(e) or non-compliance as referred to in Rule 11 (f), the court should ordinarily give an opportunity for rectifying the defects and in the event of the same not being done the court will have the liberty or the right to reject the plaintiff.”

[9] Furthermore, mere non-signature on the pleadings by the plaintiff can always be cured in order to avoid any prejudice to the substantial rights of the parties unless, of course, any of them disowns the same.

[10] In terms of the aforesaid observations, the respondent-plaintiff shall be at liberty to move appropriate application before the learned trial Court so as to seek liberty for permitting her to file copy of two sets of plaint

duly signed and verified under the signatures of the respondent-plaintiff or through her power of attorney on or before the next date of hearing.

[11] **Disposed off** accordingly.

[12] It may also be relevant to note here that the suit in the present case was filed in September 2013 and even after the expiry of almost 12 years, it is languishing at the stage of adjudication upon rejection of plaint in terms of Order VII Rule 11 (e) of CPC, as such, the trial Court is requested to expedite the proceedings of the suit and conclude the proceedings within two years from its next date of hearing.

[13] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 20, 2025

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**(HARKESH MANUJA)
JUDGE**

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| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i> | <i>Yes/No</i> |