

**Present- Md. Hasan Zaman, Senior Assistant Judge,  
Patiya, Chattogram**

**Order No-**

Today is fixed for the order on the petition filed under **Order VII Rule 11** of the Code of Civil Procedure (CPC) seeking rejection of the plaint. Both the plaintiff and defendants are present and have filed their respective *haziras*.

**Date-**

The petition under Order VII Rule 11 of the CPC has been filed by the learned advocate for the defendants, primarily on the ground that the plaintiff, being a tenant of the defendants, cannot maintain a suit against the true owner of the suit land. The learned advocate for the defendants has asserted that the plaint does not disclose a valid cause of action and contended that the plaintiff has no chance of success in the case. Therefore, the petition prays for rejection of the plaint in *limine*, invoking the court's inherent powers in the interest of justice.

On the other hand, the learned advocate for the plaintiff has vehemently opposed the petition, arguing that the suit, seeking permanent injunction, is maintainable since the plaintiff has a right to retain possession of the suit land as long as the tenancy subsists. It has been contended that the plaintiff is not a defaulter, as evidenced by the rent receipts filed with the plaint, and no notice under Section 106 of the Transfer of Property Act has been served upon him by the defendants. Thus, the learned advocate for the plaintiff maintains that the plaint clearly discloses a cause of action and is not barred by law, making the petition under Order VII Rule 11 of the CPC untenable.

It is a well-settled principle of law that while considering a petition under Order VII Rule 11 of the CPC, the court is confined strictly to the averments made in the plaint and the documents annexed thereto. The merits of the defense or allegations made in the written statement cannot be considered at this stage.

Upon perusal of the plaint, it is apparent that the plaintiff, as a tenant, has filed the suit for permanent injunction against the defendants, alleging a threat of unlawful dispossession. The plaint asserts that the plaintiff has been regularly paying rent to the defendants and has not received any notice of eviction under Section 106 of the Transfer of Property Act. The rent receipts filed with the

plaint substantiate the claim that the plaintiff is not a defaulter. The truth or falsity of these averments can only be decided after the full trial.

The contention of the defendants that the plaintiff has no title over the suit land is irrelevant for the purposes of deciding an application under Order VII Rule 11. A tenant in lawful possession is entitled to seek protection against unlawful dispossession, irrespective of title disputes. Furthermore, no provision of law has been cited by the defendants to demonstrate that the suit is barred.

The plaint, therefore, discloses a clear cause of action and does not suffer from any legal bar warranting its rejection. The petition under Order VII Rule 11 of the CPC is found to be devoid of merit.

**Court Fee paid is correct.**

**Hence ,**

**It is Ordered**

This petition dated 12.06.2024 under order 7 Rule 11 of the Code is hereby rejected without any order as to cost.

To-----for-----