

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 179 OF 2015

Tryambak Bhanudas Hande

... Applicant

VERSUS

Indubai Vitthal Ghodke & Ors.

... Respondents

.....
Mr P. V. Barde, Advocate for the applicant
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

. Mr Barde, the learned Counsel for applicant submits that while deciding the application under Order VII Rule 11 of the CPC filed by the present applicant for rejection of plaint, the Court has held that the suit is in limitation. The Court did not frame the issue of limitation. According to him, even if the application was to be rejected by the trial Court, the trial Court ought not to have decided that the suit is in limitation. He submits that, all the relevant aspects were required to be considered. The Court ought to have framed the issue of limitation.

2. I have considered the application and the order. While entertaining an application under Order VII Rule 11, the pleadings in the plaint are only required to be considered. In fact, the plaintiff had also adduced the evidence and, thereafter, this application was given. It appears that this application was given only to protract the matter. While rejecting the application for rejection of plaint, the Court has considered the pleadings of the plaintiff and that is only required to be

considered while entertaining the application for rejection of plaint. Considering the pleadings in the plaint as are culled out, the trial Court has not committed any error in rejecting the said application. The suit is for declaration of joint ownership as well as *mesne* profit.

3. Considering the above, no interference is called for. The Civil Revision Application is rejected.

[S. V. GANGAPURWALA, J.]

sgp