

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7937 OF 2014

Anil N. More	.. Petitioner
vs.	
Vincent A. Mendosa & ors.	.. Respondents

Mr. Anil N. More, Petitioner in person present.

CORAM : M. S. SONAK, J.
DATE : 21 JULY 2015.

P.C. :-

1] This petition challenges the orders dated 4 September 2013 and 26 November 2013 made by the Small Causes Court (Trial Court) and the Division Bench of the Small Causes Court (Appeal Court), dismissing the petitioner's application under Order 7 Rule 11(d) of the Code of Civil Procedure, 1908 (CPC) urging rejection of the plaint on the ground that the property wherein the suit premises are situated, having been declared as a slum area, the suit premises, stand excluded from the purview of the Maharashtra Rent Control Act, 1999.

2] The two Courts, have rightly held that in order to invoke the provisions of Order 7 Rule 11 (d) of the CPC, the petitioner has to demonstrate that the suit appears from the statement in the plaint to

be barred by any law. The petitioner is unable to demonstrate any statement in the plaint, from which it can be said that the suit is barred under any law. Accordingly, there is neither any jurisdictional error nor any perversity in making of the two orders.

3] The petitioner may have his own case. However, the same will have to be considered at the stage of trial. For rejection of the plaint at the threshold, the petitioner has to demonstrate that the suit, from the statement in the plaint, is barred under some law.

4] Accordingly, there is no reason to entertain the present petition. The same is dismissed. There shall, however, be no order as to costs.

(M. S. SONAK, J.)

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