

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.526 OF 2015

Smt. Shailaja Shankar Raul : **Petitioner**
versus
Jitendra Indraman Singh and ors. : **Respondents.**

Mr. Sooraj Hulke for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 28th January 2015

P.C.

1 The order dated 5/9/2014 rejecting the Application (Exhibit 12) filed by the Petitioner herein invoking Order VII Rule 11 of the Code of Civil Procedure is the subject matter of the above Petition.

2 In the suit in question being Special Civil Suit No.101 of 2013 the Plaintiff is challenging the sale deed dated 24/2/2009 executed by him in favour of the Petitioner herein i.e. the Defendant No.1 on the grounds mentioned in the plaint. The Plaintiff has further sought a declaration that the said sale deed is not binding on him. In view of the execution of the sale deed, the Petitioner i.e. the original Defendant No.1 questioned the maintainability of the suit on the ground that the Plaintiff, having divested himself of his right in respect of the property in question, is not entitled to file the suit in question.

3 The Trial Court held that the cause of action for filing the suit has been mentioned in the suit and having regard to the same it could not be said that the Plaintiff could not have filed the suit in question. The issue as to whether the Plaintiff has got the right to file the suit would be considered at the hearing of the suit. In my view, having regard to the reasons mentioned in the impugned order, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]