

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Revision Application No.50/2014
Laxminarayan Parmeshwarlal Jaiswal Vs. Govind s/o Sukhnandanlal Jaiswal and
ors.

Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's
or directions and Registrar's orders. Orders.

CORAM : Z.A. HAQ, J
DATE : 14th January, 2015.

Heard Shri N.L. Jaiswal, the learned Advocate for the applicant.

This Civil Revision Application arises out of the order passed by the trial Court rejecting the application filed by the applicant-original defendant no.4 under Order VII Rule 11 of the Code of Civil Procedure.

The contention of the applicant-original defendant no.4 is that the civil suit as filed by the non-applicant-original plaintiff is not maintainable against the applicant-defendant no.4 and the applicant no.1-original plaintiff has no cause of action against the applicant-defendant no.4. The provisions of Order VII Rule 11 (a) of the Code of Civil Procedure enables the Court to reject the plaint if the cause of action is not disclosed in the plaint. The above mentioned provisions does not enable the Court to reject the plaint on the ground that the cause of action does not exist in favour of the plaintiff or against the defendant.

Shri Jaiswal, the learned Advocate for the applicant has not

been able to substantiate the contention of the applicant.

In view of the above, I see no reason to interfere with the order passed by the trial Court. The applicant shall deposit Rs. 2000/- with the High Court Legal Services, Sub Committee, Nagpur till 16th February, 2015 and produce the receipt on the record of the trial Court. In default on the part of the applicant to deposit the amount and produce the receipt on the record, the learned trial Judge shall pass appropriate orders in the matter.

JUDGE

Ambulkar