

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

Writ Petition No.6035 of 2014

(Shri Darshan Manoharlal Bhoot v. Shri Pravin Sureshchandra Bhoot HUF,
by Karta Pravin Sureshchandra Bhoot and others)

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

Shri S.S. Alaspurkar, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Dated : 5th January, 2015

The challenge in this petition is to the order dated 21-4-2014 passed by the Trial Court dismissing an application at Exhibit 36 filed under Order VII, Rule 11(a) of the Civil Procedure Code for rejection of plaint. The contention raised was that the defendant No.6 was not the director of the defendant No.1-Company and there is no such averment made in the plaint. The Trial Court has recorded the finding that after looking into the averments made in the plaint, it is clear that the plaint contains an averment that all the defendants are the directors of the defendant No.1-Company. So far as the question of production of document in respect of the defendant No.6 is concerned, the same is the matter of evidence and the plaint cannot be rejected under Order VII, Rule 11(a) of the Civil Procedure Code. If the defendant No.6 wanted certain directions to be issued to the plaintiff, then he can take appropriate steps.

With the aforesaid observations, the petition is dismissed.

Judge.

Lanjewar