

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

CIVIL REVISION APPLICATION NO.100 OF 2015

Shantidevi Ashokji Sinhal and ors.

-vs-

Satyanarayan Gaurishankar Agrawal and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. M. Sudame, Advocate for applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : November 24, 2015

The original defendants in R.C.S. No.336 of 2013 are aggrieved by the order by the trial Court below Exhibits-39 and 45 rejecting said applications under provisions of Order 7 Rule 11 of the Code of Civil Procedure.

Shri A. M. Sudame, learned counsel for the applicant submits that there was no cause of action for the original plaintiff to file aforesaid suit and hence provisions of Order 7 Rule 11(a) of the Code ought to have been taken into consideration. He submits that only to get beyond the decree passed in R.C.S. No.784 of 2012, the subsequent suit had been filed.

Perusal of the application filed under provisions of Order 7 Rule 11 of the Code indicates that same had been moved by relying upon provisions of Order 1 Rule 3 of the Code and by pleading that two different sets of defendants could not be joined in one suit. The trial Court therefore has considered the said aspect and has

found that the plaint could not be rejected on the ground as urged. The impugned order therefore cannot be faulted. Shri A. M. Sudame, learned counsel for the applicant states that the applicants intend to move separate application under the provisions of Order 7 Rule 11(a) of the Code. If such application is made, same shall be decided on its own merits and in accordance with law. C. R. A. is disposed of.

JUDGE