

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

Writ Petition No.6639 of 2014
(Subhiya Kabrasthan, Nagpur, through its Secretary Abdul Hafiz Sheikh
Suleman v. Sheikh Ashfaque Sheikh Muhammed)

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

Shri Shankar Borkuta, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Dated : 20th January, 2015

This petition challenges the rejection of application under Order VII, Rule 11 of the Civil Procedure Code, in which the contentions were raised that (i) the suit property is the Wakf property and, therefore, the civil court has no jurisdiction, (ii) the suit is bad for non-joinder of necessary party, and (iii) the suit is not properly valued for payment of court fee. All these questions can be decided by framing the issues by the Trial Court, and no interference is called for in the order impugned.

The petition is dismissed. Needless to say that none of the observations made on the merits of the matter shall come in the way of the parties after issues are framed.

Judge.