

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

Civil Revision Application No. 3 of 2015
Sau Pratibha and ors v. Prabhakar and ors

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

Court's or Judge's orders.

Mr S. S. Shingane, Adv for applicants
Respondents served

CORAM : A. V. NIRGUDE, J

DATED : 30th March 2015

1. Heard learned counsel for the applicants.
2. This civil revision application challenges order dated 11.9.2014 rejecting applicants' application seeking rejection of plaint invoking powers of the Court under Order VII, rule 11 of the Code of Civil Procedure.
3. Applicants/defendants asserted that the plaint did not disclose cause of action. It is also their case that court fee is not properly paid etc. Both these objections were rejected by the learned Judge and rightly so. He held that the subject of court fee is a matter of evidence and in case it is found that the court fee is not adequately paid, an opportunity to the plaintiffs can still be given. In respect of subject of cause of action, the learned Judge rightly held that the facts mentioned in the plaint would clearly reveal the cause of action. The application on which the

impugned order was passed, appears to be an attempt to prolong the case.

4. Revision Application stands dismissed. No order as to costs.

JUDGE

joshi