IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 831 OF 2017

Shaikh Shakil Shaikh Mustaq & Ors. .. Petitioners
Versus
Shaikh Abdul Naseem Abdul Razzak & ors... Respondents

Mr.K.A. Ingle, Advocate for the petitioners.

CORAM : S.B. SHUKRE,J.
DATED : 17.02.2017

P.C. :-

1. Heard. This petition seeks to challenge the legality and correctness of the order dated 15.12.2016 passed by the learned Civil Judge rejecting the application of the petitioners filed under Order VII Rule 11 of the C.P.C., praying for indulgence of the Civil Court to reject the plaint on the ground that there is no cause of action arising in favour of the respondents to file the suit.

2. Bare perusal of the plaint discloses that the pleadings therein disclose the cause of action. It is case of the petitioners that the original plaintiffs i.e. the respondents do not have any cause of action. In such case, the petitioner will have to wait till the full fledged trial is held. The view taken by the Civil Judge is correct in law and therefore no interference is warranted. The petition is dismissed summarily. No costs.

[S.B. SHUKRE,J.]