

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2155 OF 2015
IN
SUIT NO. 351 OF 2013

M/s. Asha Developers & Anr. Applicants
(Deft nos. 1 & 2)

IN THE MATTER BETWEEN

Tilkdhari Jagannath Mishra & Anr. Plaintiffs

VERSUS

M/s.Asha Developers & Ors. Defendants

Mr.Sarosh Bharucha, a/w. Shrey Fatterpekar, i/b. Mr.Ashish Dubey for the Plaintiffs.

Mr.Chaitanya Bhandarkar for the Defendant nos. 1 and 2/Applicants in the Notice of Motion.

CORAM : R.D.DHANUKA, J.

DATE : 8th NOVEMBER, 2017

P.C.

By this notice of motion, the applicants(original defendant nos. 1 and 2) seek rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure on the ground that the plaint allegedly does not disclose any cause of action. The defendants have already raised this issue to the written statement filed in the plaint. A perusal of the averments made in the plaint *prima facie* indicates that the requisite averments in support of the cause of action are made by the plaintiffs. Be that as it may, this issue can be framed by this Court under Order XIV Rule 2 of the Code of Civil Procedure, 1908. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)