

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

CIVIL REVISION APPLICATION NO.71 OF 2017

Indian Oil Corporation Ltd.
26, Central Bazar Road,
Ramdaspath, Nagpur 44 010

... Appellant

-vs-

1. Nirmalabai Ramlal Agrawal
2. Ram Services, a proprietary
concern of Sunita S. Agrawal,
3. Union of India
Through its Secretary, Ministry of
Oil Petroleum & Natural Gas,
Shastri Bhawan, New Delhi 110011. ... Respondents.

Shri Rohit Joshi, Advocate for appellant.

Shri A. J. Thakkar, Advocate for respondent Nos.1 and 2.

Shri C. J. Dhumane, Advocate for respondent No.3.

CORAM : A.S.CHANDURKAR, J.

DATE : July 26, 2018

P.C.

The application filed below Exhibit-74 moved by the defendant No.2 for dismissal of the suit on the ground that the cause of action does not survive having been rejected, that order is the subject matter of challenge in this civil revision application.

2. After hearing the learned counsel for the parties it is seen that a similar issue was considered in Civil Revision Application Nos.8 and 9 of 2016 decided on 24/01/2017. It has been held therein that as the cause of action for filing the suit was disclosed in the plaints, they were not liable to be rejected under provisions of Order VII Rule 11(a) of the Civil Procedure Code, 1908. The points raised in the present civil revision application have been considered while deciding the earlier Civil Revision Applications.

3. Hence for reasons recorded in the order dated 24/01/2017 in Civil Revision Application Nos.8 and 9 of 2016, this Civil Revision Application stands dismissed with no order as to costs.

JUDGE