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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7266 OF 2018

Vaishali Dadabhau Wakhare and Others

PETITIONERS

VERSUS

Balasaheb Laxman Kundlik and Others

RESPONDENTS

.....
Mr. R. P. Bhumkar, Advocate for the petitioners
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 9th JULY, 2018

ORDER :

1. Heard learned advocate for the petitioner.
2. Aggrieved by rejection of application by the petitioners for rejection of plaint in Regular Civil Suit No. 115 of 2017 passed on 17th April, 2018, the petition has been moved.
3. Learned advocate for the petitioners strenuously urges this court to indulge into the request made about rejection of plaint contending that injunction could not have been claimed for and on behalf of defendant No. 5. That apart, petitioners are in possession of the property as they have purchased the same from one of the persons who are joint purchasers with plaintiff and defendant No. 5. In the circumstances, in the absence of

partition being claimed among the joint purchasers, suit for injunction could not be maintainable.

4. Going by the pleadings and cause of action shown and the submissions advanced before this court, it does not appear that those fall under any of the categories of Order VII, Rule 11 of the Civil Procedure Code, enabling the court to direct rejection of the plaint.

5. In view of aforesaid, writ petition is not being entertained and stands rejected. This, however, may not undermine remedies for the petitioners as may be available in law.

[SUNIL P. DESHMUKH, J.]