

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 183 OF 2016

Mr. Jayprakash Jagdish Chawla	Applicant
V/s.	
Lanhabai Gabaji Gaikwad & Ors.	Respondents

Mr. Hitesh P. Vyas for the applicant.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : 18TH JUNE, 2018.**

P.C.:

. This Civil Revision Application is directed by the order dated 17th November, 2015 passed by the Joint Civil Judge, Senior Division, Pune in Special Civil Suit No.1194 of 2013.

2. The applicant is defendant no.4 who has filed the application for rejection of the plaint under Order 7 Rule 11 (d) of the Code of Civil Procedure. The plaintiffs are the legal heirs of the real sisters. They filed suit for cancellation of the sale deeds dated 15/04/1974, 12/03/1983 and 29/09/1989 which were executed between the defendants and also for perpetual and mandatory injunction. The landed property was originally owned by one Ganpat Ramji Chopde

and thereafter falling to share of two sons i.e. Sahadu and Bhagu. The children of Sahadu are the daughters of Sahadu and his son Sadashiv is defendant no.1. The property was sold by defendant no.1 to the other defendants. The application for rejection of the plaint was contested by the plaintiff. The learned Judge considered the submissions of both the sides and rejected the said application. Hence, this Civil Revision Application.

3. The learned counsel for the applicant has submitted that the relief which the plaintiffs seek is in respect of the sale deeds which are of the year 1974, 1983 and 1989. The Special Civil Suit was filed in the year 2013. There is no cause of action to file the suit. This is a mischievous and malafide suit filed by the plaintiffs. The trial court ought to have considered this aspect and should have rejected the same.

4. Perused the impugned order and the plaint. The plaintiffs in paragraph nos.9 and 11 of the plaint have stated about the cause of action. The submissions of the learned counsel for the applicant are mainly on merits and those submissions can be considered at the final hearing of the suit if such evidence is tendered by the applicant. At this stage, the order passed by the learned Trial Judge cannot be faulted

with in view of the pleadings in the plaint. Hence, Civil Revision Application is dismissed.

(MRS. MRIDULA BHATKAR, J.)