

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

CIVIL REVISION APPLICATION (ST.) NO.17673 OF 2018

Nisarg Maintenance Private Trust & Ors. .. Applicants
Vs.
Nisarg Plot Owners Co-operative Society Ltd. .. Respondent

Mr.Tejas Pawar i/by Ms.Manjiri Parasnis for the applicants.
None for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 1st October 2018

P.C.:

. Papers are allowed to be produced at 3.00 p.m.

2. By this civil revision application filed under Section 115 of the Code of Civil Procedure, 1908, the applicants (original defendants) have impugned the order dated 27th March 2018 passed by the learned trial Judge rejecting the application below Exhibit-22 filed under Order 7 Rule 11 of the Code of Civil Procedure, 1908 alleging that there was cause of action in filing the suit.

3. A perusal of the impugned order passed by the learned trial Judge and the averments made in the plaint in Regular Civil Suit No.1315 of 2017 clearly indicates that the cause of action had arisen to file the said suit inter alia praying for cancellation of Trust Deed dated 11th August 2009. The applicants (original defendants) themselves had admitted that the original plaintiff society is registered on 29th April 2017 and the registration certificate is issued in favour of the plaintiff.

4. The learned trial Judge has rightly considered the averments made in the plaint and has rightly rendered a finding that the cause of action arose to file the suit. Civil revision application is misconceived and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.