

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION (ST) NO. 3528 OF 2019

Bajirao G. Kadam .. Applicant
vs.
Rajednra G. Pawar and ors. .. Respondents

Mr. P.S. Dani, Sr. Advocate I/b Mr. V.R. Gaikwad for the Applicant.

CORAM : M. S. SONAK, J.
DATE : 9 APRIL 2019.

P.C. :-

1] Heard Mr. P.S. Dani, learned Senior Advocate for the applicant.

2] The challenge in this Civil Revision Application is to the order dated 13th November 2018 by which learned Trial Judge has rejected the applicant's application under Order 7 Rule 11 of the CPC.

3] From the contentions raised by Mr. Dani, at the highest, something can be said in relation to the relief in prayer clause 23(a)(1) of the plaint. On basis of such a *prima facie* finding, no case is made out for rejection of the plaint by resort to the provisions under Order 7 Rule 11 of the CPC. In the plaint, several reliefs have been claimed. For rejection

of the plaint, by resort to the provisions of Order 7 Rule 11 of CPC, a case will have to be made out that on the basis of statement in the plaint, the plaint is required to be rejected. Ordinarily, there is no purpose to be served by rejecting part of the plaint or by refusing one of the reliefs in the suit. That is not ordinarily the scope of proceedings under Order 7 Rule 11 of CPC.

4] Accordingly, it cannot be said that there is any jurisdictional error in the view taken by the learned Trial Judge. This Revision Application is consequently required to be dismissed and is hereby dismissed. However, it is made clear that the observations in the impugned order or for that matter in the present order are only for the purpose of deciding the application under Order 7 Rule 11 of the CPC. This means that the applicants will have liberty to raise all objections in the suit, based on which issues will have to be framed and decided along with all other issues which arise in the suit. All contentions of all the parties in relation to these objections are expressly kept open.

5] With clarification as aforesaid, this Civil Revision Application is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)