

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**Civil Application (CAC) No.34/2019 in Civil Revision Application Stamp**  
**No.350/2019**  
**Niranjan Chaudhari Vs. Waman Chaudhari (D) Through LRs and Anr.**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Mr. R.L. Khapre, Advocate for appellant  
Mr. B.M. Dafle, Advocate for respondents

**CORAM : MANISH PITALE, J.**

**DATED : NOVEMBER 13, 2019**

This is an application for condonation of delay of 5 days in filing the accompanying Civil Revision Application.

2. For the reasons stated in the application, the same is allowed and the delay is condoned.

**Civil Revision Application Stamp No.350/2019**

Heard learned counsel for the applicant (original defendant). By the impugned order, the Trial Court has rejected the application filed on behalf of the applicant for rejection of plaint under Order VII Rule 7 of the Code of Civil Procedure. It is contended that even if pleadings as stated in the plaint are taken on the face of it, no cause of action is made out. Therefore, application under Order VII Rule 7 of the Code of Civil Procedure ought to have been allowed.

2. Issue notice for final disposal, returnable in 4 weeks.
3. Mr. D.M. Dafle, learned Advocate waives notice on behalf of all respondents.
4. In the meanwhile, there shall be stay in terms of prayer clause (iv).

JUDGE

*MP Deshpande*