

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

WRIT PETITION NO.5521 OF 2019

(TEJRAM ROOPCHANDJI AMBILDUKE & ANR...VS..TARACHAND GULABRAO SAWARKAR.)

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

Court's or Judge's orders

Shri R.M.Maheshwari, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 09, 2019.

Heard.

The original defendants take exception to the order passed by the trial Court rejecting the application filed by them under Order 7 Rules 11(a) and 11(b) read with Section 151 of the Code of Civil Procedure.

According to the defendants, the plaint is liable to be rejected summarily as there is no cause of action against the defendants and if at all the plaintiff has any cause of action it would be against Satguru Sai Civil Construction Pvt Ltd.- Principal Company and the plaintiff cannot make a claim against the defendants as per Section 230 of the Indian Contract Act,1872.

After considering the contention of the petitioners/ defendants, I find that the trial Court has rightly dismissed the application (Exh.18) as the plaint cannot be rejected on the grounds raised by the defendants. The trial Court has not committed any error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

JUDGE