

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

WRIT PETITION NO. 7057 OF 2021

Kishor Bhimrao Mhaske
and another

.. Petitioners

Versus

Nizamkhan Samsherkhan Pathan and others

.. Respondents

Mr. S. K. Shaikh, Advocate for the Petitioners.
Mr. P. G. Borade, AGP for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 12th JULY, 2021.

PER COURT:-

. We have heard learned counsel for the petitioners.

2. The learned counsel for the petitioners seeks rejection of plaint of Special Civil Suit No. 18 of 2020 pending before the Civil Judge, Senior Division, Vaijapur.

3. The learned counsel for the petitioners submits that he has filed an application for rejection of plaint, but because of Covid-19 the application is not attended to by the Court.

4. When the Civil Suit is pending and the application is already filed for the rejection of plaint, this Court would not exercise its

jurisdiction under Article 226 of the Constitution of India.

5. The petitioners may prosecute their application for rejection of plaint before the Civil Judge. Needless to state that, the Civil Judge would consider and decide the application of the petitioners for rejection of plaint on its own merits, in accordance with law and after hearing all parties concerned expeditiously.

6. Writ petition accordingly is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.