

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

CIVIL REVISION APPLICATION NO.5 OF 2021

Vitthal Hira Rathod and anr. ..Applicants

Vs.

Kallu Krushna Rathod and ors. ..Respondents

Mr.P.V.Barde, Advocate for applicants

CORAM : R.G. AVACHAT, J.
DATE : JANUARY 20, 2021

PER COURT :-

Heard learned counsel for the applicants.

2. Rejection of application below Exhibit-113 in Regular Civil Suit No.122 of 2013 preferred for rejection of plaint under Order VII Rule 11 Clause (d), is assailed in this Civil Revision Application.

3. Averments in the application (Exhibit-113) have been reiterated by learned counsel for the applicants. According to him, the plaint is liable to be rejected. The reasons given by the trial Court are unsustainable.

4. It may be mentioned that for rejection of plaint, the plaint has to be read in its entirety. No grounds raised in an application for rejection of the plaint may be considered since Order 7 Rule 11 Clause (d) reads – where the suit appears from the statement in the plaint to be barred by any law.

5. The plaint was sought to be rejected on the ground that the father of defendants was a tenant in possession of the suit land. He has been conferred with the title to the suit land by virtue of provisions under tenancy law.

6. The suit has been filed for declaration of title and perpetual injunction. The plaintiffs claim that their father was tenants in possession of the suit land. The father became owner by virtue of purchase deed dated 24.07.1956. On demise of their father, the plaintiffs have been enjoying the suit lands.

7. Close reading of the plaint would indicate that there is not a single statement for observing it to be a ground for rejection of the plaint. The trial court was justified in rejecting the application

8. No interference is called for with the impugned order. The Civil Revision Application is rejected.

[R.G. AVACHAT, J.]

KBP