

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL REVISION APPLICATION NO. 231 OF 2021**

Ananda Rangrao Bhui (Shinde) and ors .. Applicants  
Versus  
Annapurna Raju Bhoi and Anr .. Respondents

...

Mr.Nikhil N. Pawar for the applicants.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 15<sup>th</sup> NOVEMBER, 2021**

**P.C:-**

1           The applicant is aggrieved by the order passed by the 4<sup>th</sup> Civil Judge, Jr. Division, Islampur on 15<sup>th</sup> February 2021 on Exhibit-31, by which the defendant nos.1 to 3 had moved an application for rejection of plaint.

2           The applicant who is the defendant no.1 in a Suit instituted by his wife and daughter under Section 22 and 38 of the Specific Relief Act, particularly claim that the property mentioned at clause (b) of the plaint being the house property is jointly owned property and therefore, the applicants had no right to carry out any construction. The claim staked by the plaintiff is to the effect that the property mentioned in point (b) of the plaint

is ancestral property and there is no partition till date by metes and bounds and in the backdrop of this assertion, the cause of action is pleaded to the effect that when the plaintiff sought their share in the property, it was turned down by the defendant and therefore, relief is sought to the effect that the plaintiffs are entitled for their lawful share on avoiding the partition and they should be put in possession thereof.

3           In the application filed under Order 7 Rule 11 of the Code of Civil Procedure, the defendant claim that there was already a family partition and the suit property has come to the share of the defendant no.2 and the defendant no.2 is undertaking construction of the said piece of land. It is pleaded that defendant nos.2 and 3 have no connection with the plaintiff and even the relationship of the plaintiff with defendant no.1 is also denied. The application therefore pleaded that the plaintiff do not have any right to seek the relief as sought in the aforesaid suit.

4           On consideration of the application, the learned Judge rightly recorded that no ground has been set out for rejection of the plaint by undertaking provisions of Order 7 Rule 11 and since rejection of plaint can be granted only on the ground permissible under Order 7 Rule 11 and none of the ground has been made out, Application is rejected.

5            Learned counsel for the applicant has not been able to point out any other ground than the one raised in the application on which, in my considered opinion, do not make out a case for rejection of a plaint under Order 7 Rule 11 of the CPC. Necessarily, the impugned order is upheld and the Civil Revision Application is dismissed.

6            No order as to costs.

**SMT. BHARATI DANGRE, J**