

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

CIVIL REVISION APPLICATION NO.116 OF 2022

Bhagwan s/o Manik Devkate & ors. ... **PETITIONERS**

VERSUS

Anusayabai w/o Kisan Thombre ... **RESPONDENT**

.....
Mr. M.B. Kolpe, Advocate holding for
Mr. V.B. Deshmukh, Advocate for petitioners
.....

CORAM : R. G. AVACHAT, J.

DATE : 4th OCTOBER, 2022.

PER COURT :

Heard. The challenge in this revision application is to the order rejecting application filed by the present applicants (original defendants) for rejection of the plaint. According to learned counsel for the applicants, it is a suit for injunction simplicitor. The plaintiff in the plaint itself admitted the defendants to have been in possession of the suit land and, therefore, there was no cause of action for filing the suit.

2. On going through the plaint averments, the submissions made by learned counsel appear to be inconsistent therewith. The plaintiff has in so many words, averred in paragraphs No.1 and 3, claiming to have been in possession of the suit property. As such, it is not a case even to issue notice in the matter. The Civil Revision Application is dismissed.

(R. G. AVACHAT, J.)

fmp/-