

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.90 OF 2021

Shabuddin Shamshuddin Pirjade and Ors.	..Applicants
Versus	
Sagar Sadashiv Toravi and Anr.	..Respondents

Mr. Nikhil N. Pawar, for the Applicants.
Mr. P. D. Pise, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 1st April, 2022

PC.

1. This application is by the defendant to a suit for injunction being Regular Civil Suit No.297 of 2011 whereby the order impugned passed by the Court below rejecting prayer of rejection of plaint under Order VII Rule 11(a) of the CPC.

2. The submissions are, the property which is subject matter of the suit was never transferred and what was transferred is an adjoining property. Further contention is, the bundle of facts pleaded in the plaint are not enough to infer a cause of action in favour of respondent for bringing in a suit claim.

3. While countering the submissions, claim of the respondent/plaintiff is, the suit claim is based on the cause of action reflected in paragraph 9 of the plaint which speaks of certain other

events also.

4. I have appreciated the submissions.

5. It is settled position of law that the applicant's written statement need not be looked into at the time of deciding an application for rejection of plaint. If we consider pleadings as narrated in paragraph 9 of the plaint, it is apparent that the cause of action is not based on an isolated incident of execution of sale-deed. The act of the part or the applicant of demolishing of structure, felling of trees in the suit property is found to be a basis of initiation of the suit in question.

6. As such, the bundle of facts as narrated in plaint reflects cause of action in favour of respondent/plaintiff.

7. That being so, the Court below is justified in rejecting prayer of the applicant for rejection of plaint. No error of jurisdiction could be noticed.

8. The application as such fails, dismissed.

[NITIN W. SAMBRE, J.]