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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 80 OF 2020

BEENA SURESHCHANDRA TENDULKARAPPLICANTS
ALIAS MAITREYI DINESH RANE AND ANR

V/s.

JAGDISH HIRJI CHAUHAN AND ORSRESPONDENTS

Mr. Sagar Anant Joshi advocate for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 2, 2022.

P.C.:

1) Order impugned is dated 30/03/2019 passed by Civil Judge Junior Division, Ratnagiri, below Exh. 31, an application moved by the Petitioner-Defendant under Order VII Rule 11 (a) and (d) of the Code of Civil Procedure, 1908.

2) The contentions of Mr. Joshi, learned counsel for the Petitioner-Defendant are, Suit is simplicitor for injunction based on title. According to him, title of the Respondent-Plaintiff is disputed and as such, Suit for injunction is not maintainable. That being so, Plaint

ought to have been rejected.

3) Whether the Plaintiff has title to the Suit property in view of rival pleadings could be an issue looked into by the Trial Court. However, in the backdrop of rival pleadings, it cannot be said that Plaintiff is liable to be rejected on the aforesaid ground.

4) No case for interference in extraordinary jurisdiction is made out. Revision lacks merits, stands rejected.

[NITIN W. SAMBRE, J.]