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

CIVIL REVISION APPLICATION NO. 91 OF 2019

SOU. CHAYA PADMAKAR JOSHI

....APPLICANT

V/s.

VILAS MARUTI SUTAR AND ORS

.....RESPONDENTS

Mr. Nikhil N. Pawar Advocate for the Applicant

Mr. Chetan G. Patil Advocate for the Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 29, 2022.

P.C.:

1) Applicant-Defendant to R.C.S. No. 27/2011 preferred Application under Order VII Rule 11(a) of Code of Civil Procedure, 1908 for rejection of Plaint on the ground that bundle of facts does not disclose cause of action.

2) Counsel for the Applicant has invited my attention to the contradictory pleadings in para 2 on the issue of possession so also written statement by Defendant no. 3 so as to substantiate his aforesaid claim. He would further urge that cause of action pleaded is contrary to pleadings in the Plaint. According to him, as the Suit is

based on settled possession based on title. The possession is already under dispute, as such Plaintiff is liable to be rejected.

3) Counsel for Respondent would oppose the claim.

4) In view of settled position of law that while deciding an Application under Order VII Rule 11 of CPC, defence is not required to be appreciated, the contention of the Applicant that Defendant no. 3 has not supported the claim of Plaintiff will be of hardly any significance.

5) I have perused the pleadings in Plaintiff and the cause cited therein.

6) Apart from above, what can be noticed from the pleadings in para 2 is, Applicant claims to have possession over the suit property. Any rival claims based on the pleadings will be adjudicated after the issues are framed. In that view of the matter, the claim put forth that bundle of facts does not disclose cause of action cannot be inferred so as to warrant rejection of Plaintiff under Order VII Rule 11(a) of Code of Civil Procedure, 1908. Revision as such fails, stands dismissed.

[NITIN W. SAMBRE, J.]