

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO. 110 OF 2019
IN
NOTICE OF MOTION NO.512 OF 2013**

Vijay Manohar Seth & Ors.

....Appellants

V/s.

Pancham Associates & Ors.

...Respondents

Mr. J. S. Kini a/w Ms Sapna Krishnappa for Appellants.

Mr. Vijay S. Gharat a/w Mr. Rehan R. Momin for Respondent Nos.1 to 3.

**CORAM : K.R. SHRIRAM &
KAMAL KHATA JJ**

DATED : 21st NOVEMBER 2022

P.C. :

1 The appeal has been filed impugning an order dated 25th September 2018 passed by a Learned Single Judge.

2 Appellants, who are the defendants in Suit No.523 of 2013 had taken out an application under Order VII Rule 11 of the Civil Procedure Code 1908, on the grounds that the plaint as framed, does not disclose any cause of action.

3 The Learned Single Judge after considering the averments of possession and its rightfulness, and dispossession otherwise than by due process of law having been made in the plaint, came to a conclusion that prima facie the plaint discloses a cause of action.

4 Mr. Kini in fairness agreed that on Order VII Rule 11 of CPC

application, the court only has to see the averments in the plaint. Therefore, once the court has come to a conclusion that it was satisfied the plaint discloses the cause of action, we cannot, sitting in appeal, find any fault with the impugned order.

5 Appeal dismissed.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)