

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2459 OF 2020

Shri. Shyamsundar s/o Laxmichand Gupta

vs.

Shri Dhanraj s/o Ramaji Gaidhane (Died) and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R. R. Gour, Advocate for petitioner.
Mr. D. B. Walthare, Advocate for respondent Nos.1 & 2.

CORAM : MANISH PITALE J.

DATE : 08/09/2022

By this writ petition, the petitioner i.e. original plaintiff has challenged order dated 19/01/2017, whereby plaint was rejected under Order 7 Rule 11. The petitioner has also challenged an order dated 10/02/2020 dismissing application for review, since application for condonation of delay in filing review itself was rejected.

2. Section 2(2) of the Civil Procedure Code, 1908 defines "decree" to include the rejection of plaint. Therefore, the remedy available to the petitioner is to file an appeal against the impugned order dated 19/01/2017. On this ground itself it is

found that the present writ petition is not maintainable.

3. Accordingly, the Writ Petition is dismissed.

4. Needless to say, the dismissal of the writ petition will not come in the way of the petitioner in challenging the impugned orders, in accordance with law.

JUDGE