

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

WRIT PETITION NO.5112/2021

Manik Bansilal Pachade @ Narad

...Versus...

Adinath Swami Digamber Jain Sansthan also known as Babji Maharaj
Digamber Mandir Sansthan, Bhatkuli, Dist. Amravati through its Managing
Trustee and President

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

Court's or Judge's orders

Shri U.P. Deopujari, Advocate for petitioner
Shri M.R. Joharapurkar, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 28/07/2022

1. This petition raises a challenge to the order dated 14/09/2020, whereby the application filed by the defendant for rejection of the plaint has been rejected. The grounds raised for rejection are based on Order VII Rule 11 (a), (b) and (c) of the Code of Civil Procedure (for short, "the CPC" hereinafter).

2. In view of the order dated 14/12/2021, the challenge regarding Order VII Rule 11 (a) and (b) of CPC is no longer available. Insofar as the plea regarding Order VII Rule 11 (d) of CPC is concerned, which is based upon the

provisions of Section 51 of Maharashtra Public Trusts Act, the issue is clearly covered by the Full Bench judgment of this Court in *Shyamabai Surajkaran Joshi and others Vs. Madan Mohan Mandir Sanstha, 2010 (1) Bom. C.R. 294*, considering which, I do not see any reason to interfere in the impugned order. The writ petition is accordingly dismissed. No costs.

(AVINASH G. GHAROTE, J.)

Wadkar