

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 12 OF 2016

Gitabai Baliram Ghuge and Ors. ... Applicants

Versus

Beneshwar Shikshan Sanstha Bansarola and Anr. ... Respondents

...

Mr. A.N. Sabnis – Advocate for Applicants

Mr. S.D. Kaldate – Advocate for Respondent No.1

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CORAM : GAURI GODSE, J.

DATE : 31st January, 2023

PER COURT :

1. This Civil Revision Application is filed by original defendants for challenging order of rejection of the application filed under Order VII Rule 11 of the Code of Civil Procedure (“CPC”).
2. In the application under Order VII Rule 11 of CPC, the contention was raised that, the change report in which the names of the trustees were to be added was rejected. There was no authority to the trustees to file the suit. The application under Order VII rule 11 of CPC is rejected by the trial court by holding that, though there was objection raised by the defendants, the plaintiffs had placed on record copies of resolution thereby authorising the trustees to file suit. Hence, the

trial court had rejected the application by observing that, defendants are at liberty to file proper application in the present suit as per the relevant provisions and then only it could be decided that whether trial court has authority to decide the present suit or not.

3. Learned counsel appearing for the respondents has placed on record order dated 20th July, 2018 passed by the Deputy Charity Commissioner, Beed Region, Beed, thereby accepting the change report. Thus, it is contention of the learned counsel that, once the change report is accepted then there is no question of giving authorisation to the trustees to file the suit.
4. Perusal of the application under Order VII rule 11 of CPC does not raise any specific grounds as per the clauses under order VII Rule 11 of CPC for rejecting the plaint. In view of no specific objection raised in the application, I do not find that any case is made out to invoke provisions of Order VII Rule 11 of CPC. There is no merit in the Civil Revision Application. Hence, Civil Revision Application is dismissed.

[GAURI GODSE]
JUDGE