

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.354 OF 2023
WITH
INTERIM APPLICATION NO.4282 OF 2023**

C and M Farming Ltd. and Anr. ... Appellants
versus
Omkara Assets Reconstruction Pvt.
Ltd. and Ors. ... Respondents

Ms. Tamsin Monis for Appellants.

Mr. Sanjeev Gorvadkar, Sr. Advocate with Mr. Melvyn Fernandes, Ms. Supriya Majumdar, Mr. Saurabhsai Ganesan i/by Vaish Associates, for Respondent No.1.

Mr. Atul Damle, Sr. Advocate i/by Mr. Indrayani Patani for Respondent No.3.

Mr. Ranjeev Carvalho i/by Mr. Preet Cheda for Respondent No.4.

CORAM: N.J.JAMADAR, J.

DATE : 2 MAY 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this appeal is to an order dated 1 March 2023 passed by the learned Judge, City Civil Court, on an application for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, whereby the application came to be allowed and the plaint in Special Civil Suit No.442 of 2022 stood rejected.
3. The order of rejection of plaint under Order VII Rule 11 is not appealable under Order 43 of the Code, 1908.
4. The Appellants are at liberty to institute a substantive appeal challenging the impugned order.

5. The Appeal stands dismissed.
6. In view of the dismissal of the Appeal, the Interim Application does not survive and the same also stands dismissed.

(N.J.JAMADAR, J.)