

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13177 OF 2018

Betala Agrotech (Through Proprietor)

Kamlesh Rajendra Betala

... Petitioner

V/s.

Pradip Salekhchand Agrawal & Anr

... Respondents

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None for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2023

P.C.:

1. By the impugned order, the Trial Court rejected the application under Order 7, Rule 11 of the Code of Civil Procedure, 1908.
2. The respondents filed Special Civil Suit No.1194 of 2015 seeking cancellation of sale deed in respect of suit property executed by defendant. Relief of possession is also sought.
3. During pendency of suit, the petitioner filed an application for rejection of plaint on the ground for non disclosure of cause of action.
4. On perusal of the plaint, it appears that the plaintiff has pleaded that the sale consideration for the sale deed dated 5 March 2015 was agreed to be paid Rs.2,23,00,000/-. Cheques in

furtherance of sale deed were issued. However, the cheques were dishonored. Therefore, the plaintiff filed a suit for declaration that the sale deed be declared as null and void.

5. On perusal of the plaint, it appears that necessary averments constituting cause of action are pleaded in the plaint. Hence, the Trial Court has rightly rejected the application. There is no merit in the present writ petition.

6. The writ petition is dismissed. No costs.

(AMIT BORKAR, J.)