

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

CIVIL REVISION APPLICATION NO. 43 OF 2021

Abhay Madhusudan Agrawal__ Vs. __ M/s. Dass Jewellers

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

Court's or Judge's orders

Mr. R.R.Chougule, Advocate for applicant
Mr. R.R.Srivastava, Advocate for non-applicant no.1
Mrs. K.PDharashivkar, Advocate for non-applicant no.2

CORAM : AVINASH G. GHAROTE, J.
DATE : 21/07/2023

1] Heard Mr. Chougule, learned counsel for the applicant.

2] The revision challenges the order dated 9.3.2021 (pg.41) rejecting the application under Order 7 Rule 11(a) of the CPC. It is contended that there is no cause of action for filing of the suit and therefore the plaint was required to be rejected on that ground.

3] A perusal of plaint (para 22) indicates with sufficient clarity the existence of the cause of action for the claim for recovery on account of work done by the plaintiff in the premises, which the plaintiff was entitled to remove prior to vacation of the premises, which has been agreed to be reimbursed by the defendant no.2 under the MOU, dated 20.10.2016 (para 14, pg.53).

4] In view of the specific averment, it cannot be held that the plaint does not disclose any cause of action, I therefore do not see any reason to interfere in the impugned order. The revision is therefore dismissed.

JUDGE

Rvjalit