



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 169 OF 2023

Tarvindarsingh Mahendrasingh Dhillan

Applicant

Versus

1. Ambadas Asaram Mhaske
2. Bhimrao Asaram Mhaske
3. Bhausahab Asaram Mhaske
Since deceased through LR's
- 3-1. Asarabai Bhausahab Mhaske
- 3-2. Samadhan Bhausahab Mhaske
- 3-3. Hanuman Bhausahab Mhaske
- 3-4. Rekha w/o Santosh Nauthar
- 3-5. Meena w/o Babasaheb Pare
4. Jaibai w/o Wamanrao Pawar
5. Chandrakalabai w/o Asaram Jadhav
6. Shobhabai w/o Kachru Pradhan
7. Kachru Pandharinath Zargad
Since deceased through LR's
- 7-A. Vijay Kachru Zargad
- 7-B. Smt. Shobha Vijay Zargad
- 7-1. Vishakha Vijay Zargad
- 7-2. Vrushali Vijay Zargad
- 7-3. Vishwas Vijay Zargad
8. Pandharinath Piraji Surnar
9. Santosh Kisanrao Kolhe
10. Kamal w/o Vitthalrao Gorade
11. Sunita Vishwanath Salgare
12. Nanda S. Mamidwad

13. Bharatkumar Ramprasad Pirthani
Since deceased through LR's
- 13-1. Pooja Bharatkumar Pirthani
- 13-2. Meera Bharatkumar Pirthani
- 13-3. Pratik Bharatkumar Pirthani
14. Vitthal Chandrbhan Gorade
15. Vitthal Chandrabhan Gorade
16. Pournima w/o Kisanrao Kolhe
17. Vishwanath Kondiba Salgare
18. Uttam Pandurangrao Pawar
19. Pramod Uttamrao Borse
20. Ravi Trimbakrao Degale
21. Kalawati Pandharinath Surnar
22. Ratnamala Sundarrao Kanade
23. Shripatrao Vitthalrao Kisve
Since deceased through LR's
- 23-1 Shobhabai Shripatrao Kisve
- 23-2. Shantanu Shripatrao Kisve
24. Dnyanoba Bhaurao Dhaygunde
25. Daljitsingh Mahendrasingh Jassar
26. Sairam Co.Op. Hsg. Soc. Ltd.
27. Proposed Jankirao Co-Op Housing
Society Ltd, Aurangabad
28. Proposed Parshuram Co-Op Housing
Society Ltd, Aurangabad
29. Proposed Balram Co-Op Housing
Society Ltd, Aurangabad
30. Proposed Sitaram Co.Op. Housing
Society, Aurangabad.
31. Proposed Raghuram Co-Op Housing
Society Ltd, Aurangabad

32. Proposed Shivram Co-Op Housing Society Ltd, Aurangabad
33. Proposed Parshuram Co-Op Housing Society Ltd, Aurangabad
34. Jayram Co. Op. Housing Society Ltd.
35. Parshuram Co.Op. Hsg. Society Ltd.
36. Sitaram Co.Op. Hsg. Society Ltd.
37. Sachin Eknath Bhattad
38. Sunil Eknath Loharkar
39. Sanjiv Gajanan Rasne Respondents

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Mr. A.P. Bhandari, Advocate for the applicant.
 Mr. P.G. Godhamgaonkar, Advocate holding for Mr. Milind A. Manjramkar, Advocate for respondent Nos. 1 to 6.

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CORAM : SANDIPKUMAR C. MORE, J.

Dated : 7 March 2024

Order :

1. The present applicant is the original defendant No.18 in Regular Civil Suit No.22/2023 which is pending in the Court of 5th Joint Civil Judge (Junior Division), Aurangabad i.e. the learned trial Court. The applicant has challenged the order dated 18.08.2023 passed by the learned trial Court below Exh.20 in the aforesaid civil suit whereby the learned trial Court has rejected the application filed by present applicant under Order VII Rule 11 of the Code of Civil Procedure (for short, "C.P.C.") for rejection of plaint.

2. The background facts are as under :

Present respondent Nos.1 to 6 are the original plaintiffs in R.C.S. No. 22/2023 and they have filed the said suit for partition, separate possession, declaration and injunction. The plaintiffs have claimed relief of partition in respect of the suit property i.e. land Gut No. 145 admeasuring 2 H 61 R situated at village Mitmita, Taluka and District Aurangabad amongst themselves only and not against any of the defendants. Further, they have claimed relief of declaration in respect of in all 22 sale deeds of the suit land being sham and illegal documents and not binding upon them. According to them, the four sale deeds dated 03.08.1990 out of aforesaid sale deeds executed by late Asaram Mhaske in favour of defendant Nos.1 to 17 were without consideration and without transfer of actual possession. The plaintiffs have claimed that defendant Nos.1 to 17 had got executed the aforesaid four sale deeds by misrepresenting and by playing fraud with their predecessor in title Asaram Shamrao Mhaske. They claimed that they are still in possession of the suit property. The plaintiffs have also challenged the subsequent transfers of the suit land under remaining sale deeds after execution of the aforesaid four sale deeds of 1990.

3. The present applicant i.e. defendant No.18 filed application (Exh.20) under Order VII Rule 11 of C.P.C. for rejection of plaint alleging that suit of the plaintiffs is without any cause of action and since the plaintiffs have sought declaration in respect of four sale deeds executed by Asaram Mhaske in the year 1990 being illegal and not binding upon them in the year 2023 i.e. after 33 years, the suit is clearly barred by Limitation Act.

4. The plaintiffs had resisted the said application by filing say at Exh.22 before the learned Trial Court alleging that they have clearly mentioned the cause of action in the plaint itself and the same is continuous one since it is a suit for partition and separate possession. According to them, the point of limitation is mixed question of law and facts, and therefore, unless and until evidence of both parties is recorded, the plaint cannot be rejected on that aspect.

5. Learned Counsel for the applicant reiterated the contents of application (Exh.20) filed before the learned trial Court and submitted that this is a case of crafty drafting by giving illusory cause of action. Moreover, plaintiffs were well aware about the sale deeds well in advance and prior to three years of filing of this suit, and therefore, their claim for

declaring the sale deeds of 1990 being illegal and void, is hopelessly time barred. He relied on the following judgments :

- (i) Frost International Limited vs Milan Developers and Builders Private Limited and another, (2002) 8 SCC 633*
- (ii) Dilboo (Smt) (Dead) :By LRS & others vs Dhanraji (Smt) (Dead) & others, (2000) 7 SCC 702*
- (iii) Judgment of Apex Court in Civil Appeal Nos.5819-5822 of 2021 (Rajendra Bajoria & ors vs Hemant Kumar Jalan & others)*
- (iv) Judgment of Apex Court in Civil Appeal No.2960 of 2019 (Raghwendra Sharan Singh vs Ram Prasanna Singh)*
- (v) Shri Jayantilal Devji Shah vs Mangesh Dasrath Gaikar 2018 (2) IR Bom.R 147*
- (vi) Naginchand s/o Devichand Buccha vs Vinod s/o Tarachand and others, 2018 (1) Mh.L.J. 433*
- (vii) Gaurav s/o Balmukund & ors vs Tukaram Pandurang Dhagekar (since dead) through his Lrs Smt. Vimalbai Tukaram Dhagekar & ors, 2018 (4) Mh.L.J. 709*
- (viii) Judgment of this Court in CRA No 18 of 2023 (Tukaram Hanumantrao Chavan & ors vs Shankar Rameshwar Chavan & ors)*
- (ix) Judgment of Apex Court in Civil Appeal No.2717 of 2023 (Ramisetty Venkatanna & anr vs Nasyam Jamal Saheb & ors).*

6. On the contrary, learned Counsel for the contesting respondent Nos.1 to 6 / plaintiffs strongly resisted the submissions made on behalf of present applicant. He supported the impugned order and pointed out that the

learned trial Court rightly observed that limitation is mixed question of facts and law, and therefore, needs evidence. According to him, the plaintiffs have clearly mentioned cause of action in the plaint itself and for deciding application under Order VII Rule 11 of C.P.C. only the averments of plaint are to be seen and not the defence raised by the defendants. He also relied on the following judgments :

- (i) *Smt. Ganga Bai vs Vijay Kumar and others*
*AIR 1974 Supreme Court 1126***
- (ii) *C. Natrajan vs Ashim Bai & anr, 2007 ALL SCR 2663***
- (iii) *Hakam Singh vs M/s Gammon (India) Ltd.*
*AIR 1971 Supreme Court 740***
- (iv) *Rajabhau s/o Mahadeorao Rahate vs Dinkar s/o*
*Shantaram Ingole, 2002 (3) Mh.L.J. 921***
- (v) *Sundardas Kanyalal Bhathijia & ors vs The Collector,*
*Thane, Maharashtra & ors, AIR 1991 SC 1893***
- (vi) *Altaf Fakir Baig & ors vs Goes Ganga Deve Pvt Ltd & ors*
*2023 (6) ALL Mr 708***
- (vii) *Manu Babu Patel vs Prakash Mohanlal Desai & ors*
*2023 (3) ABR 49***

7. Heard rival submissions. Perused the entire documents on record alongwith the impugned order. Also considered citations relied upon by the learned Counsel for the rival parties.

8. The rejection of plaint is to be done under Order VII Rule 11 of C.P.C. as per clauses (a) to (f) mentioned therein. For quick reference Rule 11 under Order VII of C.P.C. is reproduced as under :

Order VII Rule 11 :

“11. Rejection of plaint.— The plaint shall be rejected in the following cases:—

- (a) where it does not disclose a cause of action;
- (b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;
- (c) where the relief claimed is properly valued, but the plaint is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;
- (d) where the suit appears from the statement in the plaint to be barred by any law;
- (e) where it is not filed in duplicate;
- (f) where the plaintiff fails to comply with the provisions of rule 9:”

9. Though there are various grounds for rejection of plaint mentioned in the aforesaid Rule, but in the instant case the applicant, who is defendant No. 18 in original suit, has claimed rejection mainly on two grounds i.e. (1) there is no cause of action or whatever cause is there, is an illusory

cause of action and (2) the suit is barred by limitation. Though the learned Counsel for the rival parties have relied upon so many judgments as mentioned above, but those are to be discussed in the light of the facts of present case only. It would be proper to mention in short as to what ratio has been laid down by this Court and the Hon'ble Apex Court in the aforesaid judgments.

10. Let us first discuss the judgments relied upon by the learned Counsel for the applicant. In the case of ***Frost International vs Milan Developers*** (supra) the Hon'ble Apex Court has observed that this Court is empowered to reject the plaint. In the case of ***Dilboo vs Dhanraji*** (supra) the Hon'ble Apex Court has observed that limitation to seek cancellation of a document runs from the date of knowledge, however, the deemed date of such knowledge will be the date of actual registration of that document. Further, the Hon'ble Apex Court in the case of ***Rajendra Bajoria*** (supra) has made following observation :

"It could thus be seen that this Court has held that the power conferred on the court to terminate a civil action is a drastic one, and the conditions enumerated under Order VII Rule 11 of CPC are required to be strictly adhered to. However, under Order VII Rule 11 of CPC, the duty is cast upon the court to determine whether the plaint discloses a cause of action,

by scrutinizing the averments in the plaint, read in conjunction with the documents relied upon, or whether the suit is barred by any law. This Court has held that the underlying object of Order VII Rule 11 of CPC is that when a plaint does not disclose a cause of action, the court would not permit the plaintiff to unnecessarily protract the proceedings. It has been held that in such a case, it will be necessary to put an end to the sham litigation so that further judicial time is not wasted”.

11. Further, the Hon’ble Apex Court in the case of *Raghwendra Sharan Singh* (supra) has discussed its so many observations in earlier cases which can be reproduced as under :

“In the case of *T. Arivandandam* (supra), while considering the very same provision i.e. Order 7 Rule 11 of the CPC and the decree of the trial Court in considering such application, this Court in para 5 has observed and held as under:

“5. We have not the slightest hesitation in condemning the petitioner for the gross abuse of the process of the court repeatedly and unrepentently resorted to. From the statement of the facts found in the judgment of the High Court, it is perfectly plain that the suit now pending before the First Munsif’s Court, Bangalore, is a flagrant misuse of the mercies of the law in receiving plaints. The learned Munsif must remember that if on a meaningful — not formal — reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order 7, Rule 11 CPC taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing by examining the party searchingly under Order 10, CPC. An activist Judge is the answer to irresponsible law suits”

Further, in the case of *Church of Christ Charitable Trust and Educational Charitable Society* (supra), the Hon’ble

Apex Court has observed as follows :

“13. While scrutinizing the plaint averments, it is the bounden duty of the trial Court to ascertain the materials for cause of action. The cause of action is a bundle of facts which taken with the law applicable to them gives the Plaintiff the right to relief against the Defendant. Every fact which is necessary for the Plaintiff to prove to enable him to get a decree should be set out in clear terms. It is worthwhile to find out the meaning of the words "cause of action". A cause of action must include some act done by the Defendant since in the absence of such an act no cause of action can possibly accrue.”

Likewise, in the case of ***Ramsingh*** (supra), the Hon'ble Apex Court has observed that when the suit is barred by any law, the plaintiff cannot be allowed to circumvent that provision by means of clever drafting so as to avoid mention of those circumstances, by which the suit is barred by law of limitation. Further, in the case of ***Tukaram Hanumantrao Chavan vs Shankar Rameshwar Chavan*** (supra) this Court has referred various judgments of the Hon'ble Apex Court on the aspect of rejection of plaint. The Hon'ble Apex Court in ***Rajendra Bajoria's*** case has observed that if clever drafting has created an illusion of cause of action and a meaningful reading thereof would show that the pleadings are manifestly vexatious and meritless, in the sense of not disclosing clear right to sue, then the Court should exercise its power under Order VII Rule 11 of C.P.C. Further, the Hon'ble Apex Court

in the case of ***Ramisetty Venkatanna*** (supra) has also discussed its observation in earlier cases which are already mentioned above. Relying on such observations, the Hon'ble Apex Court in the aforesaid judgment, has made following observation in para – 6.

“6. Applying the law laid down by this Court in the aforesaid decisions on the applicability of Order VII Rule XI to the facts of the case on hand, we are of the opinion that the plaint ought to have been rejected in exercise of powers under Order VII Rule XI(a) and (d) of CPC being vexatious, illusory cause of action and barred by limitation. By clever drafting and not asking any relief with respect to partition deed dated 11.03.1953, the plaintiffs have tried to circumvent the provision of limitation act and have tried to maintain the suit which is nothing but abuse of process of court and the law”.

12. As against this, learned Counsel for the respondents has also relied upon certain observations by this Court and the Hon'ble Apex Court on the aspect of rejection of plaint. In the case of ***Smt. Ganga Bai vs Vijay Kumar*** (supra), the Hon'ble Apex Court has discussed concept of inherent right of every person to bring a suit of a civil nature unless it is barred by statute. In the case of ***C. Natrajan vs Ashim Bai*** (supra), the Hon'ble Apex Court has observed that question as to whether suit is barred by limitation or not would depend on facts and circumstances of each case and for that purpose only averments made in the plaint are

relevant and Court cannot go into the case of defence in any manner. Further, the Hon'ble Apex Court in the case of ***Hakam Singh vs M/s Gammon India Ltd.*** (supra) has observed that parties cannot by agreement confer jurisdiction on Court not possessed by it under the Code. Further, this Court in the case of ***Altaf Fakir Baig*** (supra) has also reiterated the observation of Hon'ble Apex Court in the case of C. Natrajan that while deciding application under Order VII Rule 11 of C.P.C. only averment made in the plaint has to be looked into. Further, this Court in the case of ***Manu Babu Patel vs Prakash Mohanlal Desai*** (supra) has held that when the plaintiffs claim that they gained knowledge of essential facts giving rise to cause of action only on a particular point of time, the same has to be accepted at stage of considering application under Order VII Rule 11 of C.P.C.

13. Thus, considering all these observations jointly, following principles, which are to be followed while considering the applications under Order VII Rule 11 of C.P.C., are laid down.

(i) That while considering the application under Order VII Rule 11 of C.P.C. only the averments made in the plaint and documents relied upon by plaintiff alongwith plaint are

relevant and the Court cannot go into the case of defence in any manner.

(ii) That, the cause of action mentioned in the plaint has to be scrutinized on the basis of averments in the plaint alongwith documents relied upon for such pleadings.

(iii) That, if clever drafting by the plaintiff in the plaint has created illusion of cause of action, that should be nipped in the bud at the first hearing.

(iv) That, every fact which is necessary for the plaintiff to enable him to get decree should be set out in clear terms and to find real cause of action, meaningful reading of the plaint is required.

(v) So far as bar of limitation is concerned, the plaintiff cannot be allowed to circumvent that provision by means of clever drafting so as to avoid mention of those circumstances, by which the suit is barred by limitation.

(vi) Whether the plaint is liable to be rejected or not on the grounds mentioned in Rule 11 of Order VII of C.P.C. would depend on facts and circumstances of each case.

14. Thus, in the light of the above principles, the facts of present case need to be scrutinized by meaningful reading of the plaint as well as going through the documents relied thereon.

15. Learned Counsel for the petitioner has specifically argued that the respondents/plaintiffs were already aware of the earlier transfers of suit property by various sale deeds which are assailed in the suit, but with only intention to bring the suit within limitation, they have stated false and illusory cause of action which actually did not exist at all. It is significant to note that the plaintiffs have stated in plaint Paragraph No. 30 that no partition amongst them has taken place till today, but they are in joint possession of the suit property. In Paragraph Nos.31 and 32 the plaintiffs have given cause of action. According to the same, the plaintiffs decided to effect partition in the suit property amongst them and when they filed applications to concerned Talathi and Tahsil Office in the month of October-2022, they got knowledge for the first time on 02.12.2022 that there were entries of present respondent Nos. 1 to 33 in the record of rights of the suit property. Thereafter they requested the defendants in the suit for cancellation of their documents in respect of the suit property, but the defendants threatened them and therefore the plaintiffs had gone to Chhawani Police Station on 22.12.2022 for lodging complaint. According to the plaintiffs, the police told them to claim relief through Civil Court. The cause of action for filing the suit thus arose on

22.12.2022 as per the plaintiffs.

16. It is significant to note that from the pleadings in the plaint and prayers, it is evident that out of all sale deeds only four sale deeds of the year 1990 were allegedly executed by ancestor of plaintiffs namely Asaram Shamrao Mhaske on one and the same day i.e. 03.08.1990. Plaintiffs are claiming that those sale deeds were got executed by original defendant Nos.1 to 17 by playing fraud and cheating with Asaram Mhaske and that too without any consideration and possession. The plaintiffs have specifically claimed that even today also, they are in possession of the suit property. The other sale-deeds are in respect of subsequent transfers of suit property.

17. Learned Counsel for the petitioner pointed out that the cause of action alongwith pleadings in the plaint itself, is a classic example of crafty drafting to suppress the material facts and for the purpose of bringing the suit within limitation which is in fact hopelessly barred by limitation. According to him, though the plaintiffs claimed in the plaint that they came to know about the entries of defendants in the record of rights of the suit premises for the first time on 02.12.2022, but the documents relied upon by them in

support of the plaint are contrary to that.

18. This Court had already directed the learned Counsel for the original plaintiffs to produce copies of all the documents which they relied and filed alongwith the plaint to substantiate the pleadings. Accordingly, the learned Counsel for respondent Nos. 1 to 6, who are the original plaintiffs, has produced on record all the documents alongwith list of documents dated 08.02.2024. On going through 7/12 extracts pertaining to the suit property, though the 7/12 extracts of Survey Nos. 113 and 114 indicate that the same were obtained on 18.04.2017, but the 7/12 extracts of the suit property Gut No. 145 surprisingly do not disclose the dates on which the same were obtained. It appears that while taking out xerox copies, the plaintiffs have conveniently hid the portion wherein it is mentioned on which date the certified copies of the said 7/12 extracts were obtained.

19. Further, it is extremely important to note that the plaintiffs themselves have produced on record copy of irrevocable power of attorney wherein it is mentioned that the present plaintiff Nos. 2 to 6 have executed the same in favour of plaintiff No.1 for the purpose of filing litigations in respect of their ancestral properties including the present suit

property before the concerned Civil Court. The said power of attorney appears to be executed on 22.01.2018 wherein it is clearly admitted by the plaintiffs that those ancestral lands namely Gut Nos. 140 to 147, totally admeasuring 33 Acres were already disposed of, and therefore, their right got hampered. Thus, the disposal of present suit property was already known to the plaintiffs in the year 2018 itself or prior to that. Not only this, but the said power of attorney clearly indicates that the plaintiffs were having other lands also as their ancestral property, but they only chose this particular suit property for asking partition in it. It is settled that unless all the ancestral properties are not brought in common hotch-potch, the partition suit in respect of some of those properties is not maintainable. Though this is not the ground for rejection of plaint, but the act of plaintiffs of bringing partition suit in respect of only one property, definitely indicates their *mala fide* intention. Moreover, the recitals of the said power of attorney clearly indicate that the plaintiffs were already aware of the transfers and re-transfers of the suit property. However, they mentioned false and illusory cause of action in the present suit by way of crafty drafting that they came to know about the sale deeds mentioned in the suit, on 02.12.2022 for the first time.

20. Moreover, the plaintiffs have claimed that the suit property is still in their possession, but not a single document is there on record to show that they are in possession of the same. On the contrary, they did not take any efforts to record their names in the possession column of the suit property even after getting knowledge of possession of defendants over the suit property. This definitely shows their *mala fide* intention. On the contrary, the documents on record indicate that the plaintiffs had also tried to encroach upon the suit land illegally and forcibly, but Aurangabad City Police Station on 02.03.2023 has lodged an F.I.R. against them for various Sections of Indian Penal Code namely 385, 388, 447, 341, 143, 147, 149, 120B, 107, 109, 504, 506B read with 34 of I.P.C.

21. Further, it is to be noted that the plaintiffs have claimed declaration in respect of various sale deed which appear to be executed during the period from 1990 to 2021. However, as per the pleadings of plaintiffs, the main sale deeds of the suit property which were got executed from their ancestor Asaram Mhaske are of 1990 only and rest of the sale deeds are subsequent transfers on the basis of those sale deeds. That means the plaintiffs are claiming declaration in

respect of those sale deeds being illegal and not binding upon them after about 30 years. I have already discussed the documents relied upon by the plaintiffs in support of the plaint wherein it has been specifically mentioned by the plaintiffs themselves that they were aware about the transfers of suit property in the year 2018 only or prior to that. Thus, it appears that the claim of plaintiffs in respect of declaration of those sale deeds not being within three years from the date of knowledge, is time barred in view of Article 59 of the Limitation Act.

22. So far as the relief of partition is concerned, the learned Counsel for the respondents/plaintiffs submitted that, the suit for that relief is quite maintainable and therefore partial rejection of the plaint is not permissible. It is now settled that partial rejection of the plaint is not permissible but it is equally important to note that plaintiffs have not claimed relief of partition against the defendants but their pleadings in the plaint indicate that they have sought partition among themselves only. Para 30 of the plaint indicates that for avoiding complications in future, the plaintiffs decided to partition the suit property only amongst themselves and for that purpose filed applications to Talathi

and Tahsil Office for obtaining record of rights. It is already discussed as to how the relief of declaration in respect of the original sale deeds of 1990 claimed by the plaintiffs against the defendants, is time barred. Therefore, when the plaintiffs were already aware about those sale deeds, they must have prepared this illusory cause of action of partition which is not against any of the defendants.

23. Thus, considering all these aspects, it appears that the plaintiffs have created an illusory cause of action with intent to bring the present civil suit within limitation. Moreover, their own documents on record are showing that their suit is not within limitation. As such, as per the observations of the Hon'ble Apex Court in the judgments relied upon by the petitioner, as discussed above, the impugned order dated 18.08.2023 of rejecting the application of present petitioner for rejection of plaint, appears perverse and needs to be set aside. The present litigation being vexatious and based on illusory cause of action and also barred by limitation, is nothing but an abuse of process of Court and law.

24. In view of the above, the present Civil Revision Application stands allowed and the impugned order dated

18.08.2023 passed by learned 5th Joint Civil Judge (Junior Division), Aurangabad below Exh. 20 in Regular Civil Suit No. 22/2023, is quashed and set aside and the plaint in Regular Civil Suit No. 22/2023 is hereby rejected.

(SANDIPKUMAR C. MORE, J.)