



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 CRA NO. 28 OF 2024

NAVNATH DHONDIBA NATH
VERSUS
LAXMAN DHONDIBA NATH

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Mr. Y.L. Bidwe, Advocate for the applicant.

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 28 February 2024**

P. C. :

1. Heard learned Counsel for the applicant. The applicant, who is original defendant in R.C.S. No. 135/2022, has challenged the order passed by learned trial Court i.e. 2nd Joint Civil Judge (Junior Division), Ashti, District Beed on 21.08.2023 below Exh. 23 in the said suit. By the impugned order, the learned trial Court has rejected the application of present applicant for rejection of plaint for rejection of plaint under Order VII Rule 11 of C.P.C. On perusal of the said application as well as impugned order, it appears that the applicant is seeking rejection of the plaint since his appeal in respect of same suit property is pending before the Court of District Judge, Beed bearing R.C.A. No. 23/2022. According to the applicant, during the pendency of such appeal, the present suit of the respondent / plaintiff for the same subject-matter is not maintainable.

2. However, for rejection of plaint this ground does not come in the purview of Order VII Rule 11 of C.P.C. The present applicant is having other remedy according to the law and therefore, the order of learned trial Court rejecting the application (Exh.23) by observing that it does not come within the ambit of Order VII Rule 11 of C.P.C. appears proper. As such the Civil Revision Application stands dismissed at admission stage.

(SANDIPKUMAR C. MORE, J.)