



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

20 CRA NO. 19 OF 2024

VAIBHAV RAMLING KASBE

VERSUS

**ABDUL HAKIM ABDUL HAI USMANI (DIED) THR. LRS. FARJANA
ABDUL HAKIM USMANI AND OTHERS**

...

Mr. Rahul Awasarmol, Advocate for the Petitioner

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 22/01/2024.

P. C. :

1. Heard learned counsel for the applicant.
2. The applicant is challenging the order dated 27/09/2023 passed by the Civil Judge (S.D.), Ausa, District Latur below Exhibit-41 in RCS No.180 fo 2020. It appears that by way of this application the present applicant i.e. defendant No.3, had sought rejection of plaint under Order VII Rule 11 of CPC. On perusal of the impugned order it appears that contention raised by present applicant i.e. defendant No.3, were suit was baseless and has no *locus-standi* in the eyes of law, certain false statements were made in the plaint and that plaintiff despite withdrawal of earlier suit, filed the fresh suit on the same grounds.

3. Though the civil application was contested, but on perusal of impugned order, it appears that the aforesaid grounds are not available for the present applicant under Order VII Rule 11 of CPC. Moreover, the issues are framed in the suit below and therefore, whatever contentions the present applicant is having, can be proved by him by producing cogent and reliable evidence. In view of the same, I do not find any substance in the present application and therefore, the observation of the learned trial court that the suit does not fall within the ambit of Order VII Rule 11D of CPC appears proper. In view of the same, the present application stands dismissed at admission stage and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)