



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.181 OF 2024

Momin Abdul Amer Momin Abdul Malik & Anr. ...Applicants

Versus

Mohammed Sarfaraz Mohammed Ibrahim ...Respondent

Adv. Tauseef Yaseen Sayyed for Applicants.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 16th DECEMBER 2024.

P.C.:-

1. Heard Mr. Tauseef Sayyed, learned Advocate appearing for Applicants.

2. He submits that Respondent/Plaintiff instituted R.C.S. No.116 of 2023 claiming the relief for declaration that sale deed executed in year 2008 is null and void. The vague allegations regarding fraud are made against Defendant without necessary particulars as regards. The cause of action shown in the plaint is illusory and fictitious. The Defendant therefore filed an application under Order 7 Rule 11 of the Code of Civil Procedure, 1908 that has been rejected by Trial Court vide impugned order dated 26th September 2024. Mr. Tauseef in support of his contention relies upon observations

of Supreme Court in case of ***C. S. Ramaswamy Vs. V. K. Senthil & Ors.***
in Civil Appeal No.500 of 2022 dated 30th September 2022.

3. Considering submissions advanced, issue notice to Respondents, returnable on 10th February 2025.

4. Till then, there shall be ad-interim relief in terms of prayer clause (b) which reads as under:-

“(b) That pending hearing and final disposal of this revision application, further proceedings in Regular Civil Suit No.116 of 2023 pending the court of the Civil Judge (S.D.), Beed may kindly be stayed;”

(S. G. CHAPALGAONKAR, J.)