



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

WRIT PETITION NO.1364 OF 2021

Smt. Varsha W/o Ramesh Meshram .Vs. Purshottam S/o Mijajilal Rane and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.K. Neware, Advocate for petitioner.

Shri D.L. Deshmukh, Advocate for respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 07/02/2024

1. At the outset, the learned counsel for the petitioner submits that, in view of the subsequent events, he does not want to raise the challenge to the order below Exh.30 dated 07.10.2020.

2. The another challenge is to the order dated 30.09.2020 passed below Exh.31 rejecting the application moved by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure (CPC).

3. It is the case of the petitioner that, no mandatory notice under Section 304 (1) (b) of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the Act of 1965") was given before filing of the suit.

4. After going through the suit, it is evident that, it is not in respect of any act done in pursuance or execution or intended execution of the Act of 1965 or in respect of any alleged neglect or default in the execution of the Act of 1965, which is the pre-requisite to attract Section 304(1)(b) of the Act of 1965.

5. In the circumstance, the objection is not sustainable and therefore, no error is committed by the learned trial Court in rejecting the application under Order 7 Rule 11 of the CPC.

Hence, the writ petition is **dismissed**.

JUDGE