



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

WRIT PETITION NO. 217 OF 2024

(Kalpesh S/o Mahendra Patil ..VS.. Shrish S/o Purushottam Tidke & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.S. Patil, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 15, 2024.

1. The order below Exh.11 dated 08th September, 2022 rejecting the application under Order VII Rule 11 of the Code of Civil Procedure for dismissal of summary suit on the ground of non disclosure of cause of action, is under challenged in this writ petition.

2. The learned trial Court has categorically observed in paragraph No.6 of the order that the pleadings as well as documents produced on record disclose the cause of action. The Court has further observed that the defendant No.3 has failed to point out whether the application under Order VII Rule 11 of the Code of Civil Procedure is maintainable, since the suit is a summary suit.

3. In the circumstances, I do not find any merit in the present writ petition as the findings recorded by the learned trial Court are just and proper.

4. There is one more ground for dismissal of the present writ petition i.e. the delay and latches. The impugned order is dated 08th September, 2022 whereas,

the writ petition was filed on 11th December, 2023 i.e. after more than the period of one year. For such delay, there is no explanation offered by the petitioner in the writ petition.

5. Accordingly, the writ petition is **dismissed**.

JUDGE

Kirtak.