



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL REVISION APPLICATION NO.75 OF 2024

Gopal Tarachand Lilade

(Vs.)

Nanakchand Sohanlal Agrawal

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

Court's or Judge's orders.

Mr. S.A. Mohta, Advocate for applicant.

CORAM : G.A. SANAP, J.

DATE : 27.09.2024

Heard learned Advocate for the applicant.

2. In this application, challenge is to the order dated 18.03.2024 passed by the learned Civil Judge Junior Division, Telhara, Dist. Akola, whereby the application made by the applicant-defendant under Order VII Rule XI of the Code of Civil Procedure (for short, "the C.P.C.") has been rejected. The non-applicant/plaintiff has filed the suit for possession of the property described in the plaint.

3. It is the case of the plaintiff that admittedly the defendant was the partner in his business of readymade garment which was run from suit premises

till 30.09.2017. However, while preparing the agreement it was prepared as a nominal leave and license agreement. It was reduced into writing on 21.09.2015. It is stated that the partnership between the plaintiff and defendant came to an end on 30.09.2017. It is alleged that the defendant forcibly dispossessed the plaintiff from the premises. It is further alleged that defendant has started claiming the right in the property as a tenant on the basis of so called leave and license agreement. He has also started depositing the rent of the premises in the account of the owner of the property.

4. The defendant has filed the written statement. Similarly he has filed the application under Order VII Rule XI of the C.P.C. for rejection of the plaint. The basic contention in the application is that the suit on the basis of unregistered partnership is not maintainable.

5. I have gone through the order passed by the learned Judge. Learned Judge has dealt with the submissions on the basis of *prima-facie* materials. It is to be noted that the learned Judge has observed that

partnership was with regard to the readymade garment business and not with regard to the premises. The plaintiff is not claiming any relief viz-a-viz the partnership business. He is claiming right over the premises. It is his contention that he has been forcibly dispossessed from the premises. It is his case that he had inducted the defendant in his partnership business. It is not his contention that any right was created by him in favour of the defendant in respect of the premises. Learned Judge after taking into consideration this primary aspect of the matter came to the conclusion that there was no substance in the application and ultimately rejected it.

6. On going through the record and particularly the averments made in the plaint, I am satisfied that no case was made out for rejection of plaint. The order passed by the learned Judge is in accordance with law. Therefore, the Civil Revision Application is **rejected**.

JUDGE