



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

CIVIL REVISION APPLICATION NO.101 OF 2024

Rajwardhan Dairy Industries Pvt. Ltd. Thr. Its Director
(Vs.)

Wardha District Co-operative Milk Products Society, thr. Its Manager

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

Court's or Judge's orders.

Mr. D. R. Bhoyar, Advocate for the applicant.

CORAM : G.A. SANAP, J.

DATE : 04.10.2024

Heard at the stage of notice. Perused the
impugned order.

2. I have gone through the record and
proceedings and particularly the averments made in
the plaint. Perusal of the plaint would show that
cause of action for filing of the suit arose due to
dishonour of the cheque dated 04.03.2019. The
cheque was admittedly issued by the defendant. In
paragraph No.5 of the plaint, necessary averments
which led to issuance of cheque and dishonour of
cheque have been set out. It is also stated that after
dishonour of cheque, the notice was issued to the

defendants. It is also stated that prior to deposit of the cheque for encashment a letter dated 02.03.2019 was issued to the defendants intimating them that the cheque would be deposited for encashment. It is stated in the plaint that despite receipt of the notice of dishonour of cheque the amount was not paid.

3. The defendants did not file the written statement. They filed the application for rejection of plaint on the ground that it does not disclose the cause of action. Learned Judge on going through the material facts pleaded in the plaint has come to a conclusion that the plaint discloses the cause of action.

4. Learned Advocate for the defendants submitted that the Court has not taken into consideration the nature of transaction between the parties. It is submitted that the Court ought to have considered that this cheque was issued by way of security.

5. In my view, the scope of inquiry in an application for rejection of plaint is very narrow. The Court is not supposed to go into the issues of the facts which may arise on the basis of the contentions. The plaint can be rejected if any of the ground as provided under Order VII Rule XI of the Code of Civil Procedure, 1908 is made out. It is trite law that for the purpose of deciding the cause of action, the Court has to read the plaint as a whole and not written statement or defence of the defendants. Learned Judge, on plain reading of the plaint, observed that it discloses the cause of action. In my view, if the submissions advanced by the learned Advocate for the defendants are accepted on the basis of the facts highlighted by him, it would be nothing short of adjudication of issues of the facts at this preliminary stage. In view of this, I do not see any substance in the application. Learned Judge by the well reasoned order has rejected the application. The order, as such does not warrant interference.

6. Accordingly, the application is rejected and disposed of.

JUDGE

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