



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO. 2965 OF 2024**

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|----|--------------------------------------|----------------|
| 1. | Narendra G. Deshmukh | |
| 2. | Kamlesh S. Lokhande | ...Petitioners |
| | Versus | |
| 1. | Krishnakumar Chatur Singh Chauhan | |
| 2. | The Regional Officer, MIDC, Amravati | ...Respondents |

Mr. Pavan S. Sahare a/w. Mr. Mayank M. Agnihotri for the Petitioners.

CORAM	:	N. R. BORKAR, J.
DATE	:	24 JUNE 2024.

PC:-

1. This petition takes exception to the order dated 3.1.2024 passed by the 2nd Joint Civil Judge (Sr. Division), Amravati below Exhibit-22 in Special Civil Suit No. 276 of 2023.

2. The respondent No.1 herein has filed a suit for recovery of amount. The present petitioner filed an application under Order 7 Rule 11 of Code of Civil Procedure for rejection of the plaint on the ground that there is no cause of action to file the suit and that it is barred by limitation. By the order impugned, the trial Court has rejected the said application.

3. I have perused the impugned order. The trial Court after considering the plaint averments has held that at this stage it

cannot be said that there is no cause of action to file the suit or it is barred by limitation.

4. The learned counsel for the petitioner submits that in the agreement dated 4.7.2017 between the parties, there is a specific clause that in case of dispute between the parties, the same shall be referred to the Arbitrator and place of arbitration will be at Pune. No such ground was raised before the trial Court. No interference is thus called for in the impugned order. Hence, the Petition is dismissed.

5. Pending applications, if any, are disposed of.

(N.R. BORKAR, J.)