



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 WRIT PETITION NO. 4986 OF 2025

GURUPREETSINGH GURNAMSINGH PANDHER
VERSUS
PRAKASH NAMDEORAO SURWASE AND OTHERS

Mr. Namit S. Muthiyan, Advocate for the petitioner.

CORAM : KISHORE C. SANT, J.
DATE : 23.04.2025

PC :-

01. Heard learned Advocate for the petitioner/original defendant No.7. It is case that defendant No.7 has filed application for rejection of plaint under Order VII rule 11 (a) & (d) of the Civil Procedure Code. The plaintiff filed application praying to the Court that the application of the defendant for rejection of plaint be kept in abeyance till filing of the amendment application, as he proposes to file amendment application.

02. Learned Trial Court though rejected the said application of the plaintiff, however, in the observation has observed that the amendment application of the plaintiff will be decided first before the application of the defendant for rejection of the plaint. The petitioner is aggrieved by these observations in para No.9. This Court does not see any reason to entertain this petition, as in the operative order the Court

has specifically rejected the application of the plaintiff. This Court does not see any reason to have apprehension in the mind of defendant No.7 that the amendment application would be decided first. Once the operative order is clear, observations need not be considered.

03. Therefore, this Court does not find any reason to interfere in the Writ Petition. The Writ Petition is dismissed with no order as to costs.

04. Needless to mention that it is always open for the petitioner to file application to take up his application.

[KISHORE C. SANT, J.]