



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRA NO. 12 OF 2025

Jamalsab Musa Sab Shaikh And Others.

VERSUS

Haidarsab Chandsab Shaikh And Others

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Advocate for applicant : Mr. Syed G R

CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 20, 2025

PER COURT :-

1. Heard Mr. Syed, learned counsel appearing for the applicants.

2. Present civil revision application takes exception to the order dated 13.08.2024 passed by the Civil Judge J.D. Bhokar in RCS No.73 of 2014, by which the prayer of the applicants for rejection of plaint under Order 7 Rule 11 of the Civil Procedure Code has been declined.

3. Learned counsel appearing for the applicants submits that applicant is the original defendant in the suit. Plaintiff instituted the suit seeking relief of fixation of boundaries of land gat no.96, perpetual injunction and recovery of possession. Learned counsel submits that jurisdiction for fixation of the boundaries would be with the Collector under

Maharashtra Land Revenue Code. Therefore, Civil Court would have no jurisdiction to entertain such suit. He would further point out that there are inconsistencies in pleadings of the plaintiff as to the area possessed by him. In that view of the matter, application was moved before the Trial Court for rejection of the plaint. However, same has been rejected.

4. Having considered the submissions advanced, the reasons as recorded in the impugned order, it is apparent that the suit has been filed for multiple reliefs. Plaintiffs claimed fixation of boundaries on demarcation of the suit properties and seeks recovery of possession from the defendant as regards to the excess area found in possession of the defendant. Although, it is contended on behalf of the applicants that jurisdiction for fixation of the boundary would be with the Collector under MLR Code, it cannot be disputed that in the given case, Civil Court can issue directions to the Collector to cause demarcation of the property and fix the boundaries. Apart from that, plaintiff is seeking relief of possession and perpetual injunction.

5. Looking to the grounds sought to be raised, it is apparent that jurisdiction under Order 7 Rule 11 of the CPC cannot be

invoked in such a case. Trial Court has rightly observed that contents of the plaint are only germane for adjudicating the application under Order 7 Rule 11 of the CPC. Even, it is assumed that Collector has jurisdiction under MLR Code, the suit can be entertained for other reliefs, as claimed. It is trite that partial rejection of the plaint is not permissible in exercise of powers under Order 7 Rule 11 of the Civil Procedure Code.

6. In that view of the matter, no jurisdictional error can be found in the impugned order. Civil revision application sans merit. Hence, **dismissed**.

(S. G. CHAPALGAONKAR, J.)

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