

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.311 OF 2024

VISHAL
SUBHASH
PAREKAR

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Phoolkumar Sukhdev Singh ...Applicant

vs.

Rajeshkumar Sukhdev Singh and Ors. ...Respondents

Ms. Nishtha Garg a/w. Ms. Aashka Shell i/b. Mr. Prathamesh Mhaskar, for the Applicant.

Mr. Sandesh Deshpande, for Respondent No. 1.

Mr. Rohit Sakhadeo, for Respondent No. 7.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 21, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. The challenge in this application is to an order passed by the learned Civil Judge Senior Division, Thane on an application for rejection of the plaint purportedly under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908.
3. The plaintiff and defendant Nos. 1 to 3, 5 and 6 jointly purchased the suit property. The plaintiff instituted a suit for declaration, partition and injunction. The plaintiff and defendants are joint owners of the suit property
4. The application for rejection of the plaint was wholly misconceived as it proceeded on the premise that the cause of action pleaded by plaintiff was false and non-existent. Nor the

question of bar of limitation, in the light of the facts of the case, could be decided sans evidence.

5. Thus, the learned Civil Judge has committed no error in rejecting the application.

Civil Revision Application stands dismissed.

(N. J. JAMADAR, J.)