



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

Writ Petition No. 249 of 2025

[Smt. Kamal Wd/o Mahadeorao Naukarakar ..vs.. Smt. Priyanka Wd/o
Ghaneshshyam Naukarkar and anr.]

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

Court's or Judge's orders

Mr. S. R. Jaiswal, Advocate (appointed) for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 26-06-2025

On 18-6-2025, following order was passed.

“1. *Heard for some time.*

2. *One of the question that requires answer is that, can the plaint be partly rejected, in the sense the petitioner has put forth a plea that prayer made in the suit to the extent of challenge to Will in the life time of the petitioner / original defendant is barred by law. The learned counsel for the petitioner seeks time to have research on the point.*

3. *List the petition on 26.06.2025.”*

2. As such, learned counsel for the petitioner made an attempt to argue that plaint can be partly rejected, however, law is well settled. In the case of ***Central Bank of India and anr. Vs. Prabha Jain and others [(2025) 4 SCC 38]***, Hon'ble Supreme Court reiterated the position that partial rejection of a plaint, i.e. when some relief in the suit is grantable, the plaint cannot be rejected under Order 7 Rule 11 of the Civil Procedure Code, 1908. That being so, there appears no merit in the petition. The petition is accordingly dismissed with no order as to costs.

3. The fees be quantified and paid to learned counsel for the petitioner, as per rules.

(Anil L. Pansare, J.)