



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 82 OF 2025

Rupesh s/o. Harichand Kambale and anr. **Vs.** Rajesh s/o. Vijaysingh Thakur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. N. Dangre, Advocate h/f. Mr. A. J. Pathak, Advocate for applicants.

CORAM : ROHIT W. JOSHI, J.

DATE : 26.09.2025.

1. The present revision application is filed challenging the order dated 13.07.2023 passed by the learned Second Joint Civil Judge, Senior Division, Nagpur on an application for rejection of plaint filed at Exh. 15 in R.C.S. No. 448 of 2023.

2. The non-applicant/plaintiff had filed a suit seeking perpetual injunction, claiming that he is in possession of the suit property and the applicants/defendants are trying to disturb his possession.

3. The learned Trial Court has rejected the application on the ground that, averments in the plaint have to be assumed to be true while dealing with an application under Order VII, Rule 11 of the Code of Civil Procedure, 1908 and going by the plaint averments, the plaintiff claims to be in settled possession of the suit property and alleges that he is threatened to be dispossessed without following due process of law.

According to the learned Trial Court, this sufficiently makes out a cause of action for filing a suit for injunction.

4. The learned Advocate for the applicants/defendants argues that the alleged possession is not established by any cogent material on record and, therefore, the plaint is liable to be rejected.

5. Perusal of the plaint demonstrates that the plaintiff has come up with clear pleadings as regards his possession over the suit property.

6. The correctness or otherwise cannot be examined while dealing with an application for rejection of plaint. The plaintiff claims that he is cultivating the possession of the suit property since the year 2008.

7. In that view of the matter, no jurisdictional error is demonstrated warranting interference with the impugned order. Hence, the Civil Revision Application stands **rejected**.

(ROHIT W. JOSHI, J.)