



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

85 CRA NO. 235 OF 2025

QURESHI ARSHAD HUSSAIN S/O QURESHI IRSHAD
HUSSAIN AND OTHERS

VERSUS

DR MOHD YOUNUS S/O SHER MOHAMMAD AND ANOTHER

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Advocate for Applicants : Mr. Ansari Asfia Nuzhat.

Advocate for Respondent No.1 : Mr. Taher Ali Quadri.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 19.01.2026

PER COURT :-

1. Heard both sides.
2. Civil revision application is directed against order below Exh.38 rejecting application seeking rejection of plaint under Order 7 Rule 11 of C.P.C.
3. Applicants are original defendant Nos.2 to 4 in Regular Civil Suit No.341 of 2019 filed by respondent No.1 for declaration and injunction. It is contended that defendant No.1 had executed a registered sale deed executed by the plaintiff in favour of defendant No.1 on 28.03.2019 which was registered on 29.03.2019. The cheque which was issued towards the consideration was dishonoured. It is further contended that

defendant No.1 executed powers appointing defendant No.4 as Special Attorney vide registered instrument dated 17.10.2019. It is further contended that defendant Nos.2 and 3 are the purchasers through attorney.

4. Applicants submitted application Exh.38 seeking rejection of plaint under Order 7 Rule 11 of CPC. It was contested by the respondents. The written notes of arguments were pressed into service, taking up a plea founded on the judgment of Apex Court in the matter of *Dahiben Vs. Arvindbhai Kalyanji Bhanusali reported in 2020 (7) SCC 366*.

5. The impugned order does not reflect consideration of judgment in question. The same has relevance. The Trial Court is obliged to deal with all aspects of the matter which are specifically submitted by the parties in support of their applications. The law laid down by Supreme Court was specifically been brought to the notice of the Court but still that has not been dealt with.

6. I find that Trial Court has committed perversity while rejecting the application Exh.38 by impugned order. It is desirable that learned Judge shall apply mind on the judgment cited by the parties and thereafter arrive at conclusion.

7. Civil Revision Application is disposed of by quashing impugned order passed below Exh.38 and directing learned Judge of the Trial Court to deal with application Exh.38 afresh on its own merits.

8. Needless to state that the judgment cited by the parties shall be dealt with while deciding the application. The exercise shall be completed within two (2) months from today.

(SHAILESH P. BRAHME, J.)

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