

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.1 OF 2026

Ananda Bhaskar Shetty ...Applicant
versus
Bhailal Meghji Shah @ Gala and another ...Respondents

Mr. Wasim Samlewale, for Applicant.
Mr. Nagesh Chavan a/w Ms. Ankita Chindage a/w Mr. Abhang
Suryawanshi, for Respondent No.1.

CORAM : M.M. SATHAYE, J

DATE : 11th FEBRUARY, 2026

P.C:

1. Heard learned Counsel for the parties.
2. Revision Applicant is Defendant No.1 in Regular Civil Suit No.142 of 2017 filed by Respondent No.1 – sole Plaintiff. The said suit is filed for injunction not to dispossess the Plaintiff without following due procedure of law and for injunction against the Defendants from selling, creating third party interest or encumbering the suit property in such a way that would prejudice the possession/rights of the plaintiff.
3. The Revision-Applicant/defendant No.1 filed application Exh.48 for rejection of plaint under Order-VII, Rule-11 of the Code of Civil Procedure, 1908 ('CPC' for short), contending inter alia that the plaint does not disclose cause of action and the suit is barred by limitation and therefore praying that plaint be rejected under Order-VII, Rule 11(a) and 11(d) of the CPC.
4. The learned Trial Judge by the impugned order dated 12.02.2025 rejected the application, thereby refusing to reject the plaint.

SHAILAJA
SHRIKANT
HALKUDE
Digitally signed
by SHAILAJA
SHRIKANT
HALKUDE
Date: 2026.02.12
12:29:16 +0530

5. Revision Applicant filed application Exh.59 under section 151 of the CPC praying to recall the impugned order dated 12.02.2025, which application was rejected on 19.06.2025. After application for recall was rejected, Revision Applicant has filed present Civil Revision Application challenging the original order dated 12.02.2025.

6. Learned Counsel for the Applicant fairly submitted that revision is being pressed only on the argument that there is no cause of action disclosed and therefore plaint needs to be rejected under Order VII, Rule-11(a) of CPC. He submitted that the plaintiff is not in possession of the suit premises and there is no prima facie material to show that he is even tenant as claimed by the plaintiff.

7. It is not disputed that no proceedings are pending between Respondent No.1-plaintiff and either original owner or present Applicant, who is subsequent purchaser of the property.

8. I have perused the plaint. Respondent No.1 has come with a case that he is in possession of the suit premises as tenant since 1955 residing therein with his family. It is pleaded that he has been paying municipal taxes of the suit premises and looking after the same. Respondent No.1-plaintiff has given detail description of the suit premises and family background of the original owner. It is pleaded that in June, 2016, he came to know of a transaction between the original owner and present Revision Applicant. It is further pleaded that in December, 2016, original defendants including Revision Applicant tried to illegally obtain possession and therefore, the suit is filed in March, 2017.

9. Considering the pleadings, it cannot be said that no cause of action is disclosed. The aspect as to whether Respondent No.1-plaintiff is in possession of the suit premises or whether there exists any evidence about his tenancy, is a matter of evidence and squarely falls outside the consideration of Order-VII, Rule-11 of CPC. It is trite law that at the stage of rejection of the plaint, the Court can only look into the pleadings as well as documents produced alongwith the plaint. However, possible defence or any evidence sought to be pointed out by the defendant, cannot be looked into.

10. Viewed in the light of what is observed above, when the impugned order is perused, no perversity or illegality is found. View taken by the learned Trial Judge is correct. There is no jurisdictional error.

11. In that view of the matter, there is no reason to interfere in the impugned order. Revision Application is accordingly dismissed.

12. The said suit shall be decided on its own merits and in accordance with law. Rival contentions of both sides on merits are kept open.

13. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]