

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.39 OF 2026

M/S Yogesh Textiles
(A partner through Constituted Attorney
Mr. Navnit Raithatha)
and Ors. ... Applicants

V/s.

Murli Synthetics And Ors. ... Respondents

Mr. Tanvir Shaikh, Advocate for the Applicants.

Mr. Onkar Gawade i/b Mr. Jaydeep Deo, Advocate for the Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATED : 20th FEBRUARY 2026

P.C.:

1. Heard Mr. Shaikh, learned counsel appearing for the Applicants and Mr. Gawade, learned Advocate for the Respondents.
2. By the present Revision Application, the Applicant is challenging the legality and validity of the order dated 4th March 2025 passed by learned Judge, Small Causes, Court Mumbai below Exhibit-120 in R.A.D. Suit No.1944 of 2002. The said application bearing Exhibit-120 has been filed seeking rejection of the plaint under order 7 Rule 11 of the Code of Civil Procedure 1908, on the ground that the plaint does not disclose any cause of action.

3. It is the submission of Mr. Shaikh, learned counsel appearing for the Applicant that the suit has been filed collusively as there is collusion between plaintiff No.4 and defendant no.1 and 2.

4. Perusal of the plaint shows that *inter alia* following contentions are raised in Paragraph No.14 which read as under:-

“14. The Plaintiffs state that one of the partners in the Plaintiffs firm and the Defendants firm are common. However, recently the Defendant No.5 who is one of the partner in Defendant’s firm have stated creating problems and threatening to dispossess the Plaintiffs from the suit premises. The Defendant No.5 and her husband are threatening to dispossess the Plaintiffs from the suit premises and denying the title of the Plaintiffs as tenant. In these circumstances, the Plaintiffs are now required to seek a declaration of the tenancy in respect of the suit premises. Plaintiffs therefore, seek a declaration from this Hon’ble Court that the Plaintiffs be declared as a tenant of the Defendants in respect of the suit premises viz., (I) Unit No.7 admeasuring 1320 sq. ft., (ii) Unit No.7A admeasuring 1320 sq. ft., (iii) Unit No.7B admeasuring 1760 sq. ft., and (iv) Unit no. 7C admeasuring 300 sq. ft., in all 4700 sq. ft., in the property known as Modi Estate, situate at near Pipe Line, behind H.P Petrol Pump, L.B.S. Marg, Ghatkopar (West), Mumbai 400 086.”

(Emphasis added)

5. Thus, in fact the Plaintiffs have specifically stated that one of the partners in the Plaintiffs firm and the Defendants firm are common.

However, recently the Defendant No.5 who is one of the partner in Defendant's firm have started creating problems and threatening to dispossess the Plaintiffs from the suit premises. The Defendant No.5 and her husband are threatening to dispossess the Plaintiffs from the suit premises and denying the title of the Plaintiffs as tenant.

6. Thus, in these circumstances drastic order of rejection of plaint under Order 7 Rule 11 of C.P.C., cannot be passed without conducting the Trial. The contention that the suit has been filed without any cause of action is without any basis.

7. Apart from that it is required to be noted that the suit has been filed on 29th October 2002. The Defendants have filed written statement on 9th February, 2005. The present application under order 7 Rule 11 of C.P.C. has been filed on 4th March 20225 i.e. after a period of about 20 years from the filing of the written statement. The Plaintiff has completed leading the evidence and now the Defendant is being cross examined.

8. Accordingly, in the facts and circumstances, no interference in the impugned order is warranted. The Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)