



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

**WRIT PETITION NO.5148 OF 2025**

SARITA DRAFUL ATRAM  
*VERSUS*  
DRAFUL ANANDRAO ATRAM

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| <i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i> | <i>Court's or Judge's orders</i> |
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Mr. R.D. Murkute, Advocate for Petitioner.

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATED : 09<sup>th</sup> MARCH 2026**

1. Heard learned Advocate for the petitioner.
2. The petitioner has challenged an order dated 26.07.2024, passed by Civil Judge Senior Division, Chandrapur, at Exhibit 10, in H.M.P. No.99 of 2024, rejecting the application under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (for short, "C.P.C."), which was an application filed by the petitioner-wife for rejection of plaint in a Hindu marriage petition.
3. The respondent-husband has filed a Hindu marriage petition bearing No.99 of 2024, seeking divorce under Sections 13(i) (i-a) and (i-b) of the Hindu Marriage Act, 1955, in which the petitioner-wife has appeared and filed an application under Order VII Rule 11(d) of C.P.C., seeking rejection of plaint. The only ground canvassed on behalf of the petitioner in the said application is that both the parties belong to scheduled tribe i.e. Adiwasi-Pardhan caste

and their marriage was not performed in accordance with the Hindu rites and customs, as alleged in the petition. On this basis, the petitioner prayed for rejection of plaint in the Hindu marriage petition.

4. It has to be seen that that the trial court has given due consideration to the contentions canvassed on behalf of the petitioner and having observed that the respondent-husband has categorically averred in the plaint that the marriage was performed as per the Hindu rites and customs. Further, as the husband has claimed that the Hindu Marriage Act is applicable, the defence raised by the wife cannot be the basis to allow the application under Order VII Rule 11(d) of C.P.C.

5. A perusal of the impugned order shows that the trial court has given due consideration to the factual and legal aspects. It has to be noted that an application under Order VII Rule 11 of C.P.C. has to be decided by considering the averments in the plaint only. I do not find any perversity with the impugned order warranting interference. No indulgence is, therefore, warranted under Article 227 of the Constitution of India with the impugned order. Hence, the writ petition is dismissed with no order as to costs.

**(PRAFULLA S. KHUBALKAR, J.)**