



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

CIVIL REVISION APPLICATION NO.38/2026

Shri Rukmangad Kaushikrao Jamgade

...Versus...

Vinay Shiv Ratan Dalmia and another

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

Court's or Judge's orders

Mr. T.P. Swamy, Advocate for applicant

CORAM : ROHIT W. JOSHI, J.

DATE : 13/03/2026

1. The present revision is preferred challenging the order dated 18/11/2025, passed by the learned 15th Joint Civil Judge, Junior Division, Nagpur on application at Exh.136 in Special Civil Suit No.673/2006, thereby rejecting the application for rejection of plaint.

2. The contention raised by the learned Advocate for the applicant/original defendant No.2 is that after demise of defendant No.1 -Kaushikrao, since legal representatives are not brought on record, the suit is abated.

3. Perusal of the cause-title indicates that defendant Nos.2 and 3 are sons of deceased Kaushikrao. His estate appears to be represented.

4. Apart from this, it is contended that the suit property is owned by the State Government and now it is held by the Nagpur Improvement Trust and therefore, the defendants do not have title to sell the suit property, as a consequence of which, the defendant does not have right to

sell the same. The said contention is liable to be rejected, in view of averments in the plaint, with respect to agreement between plaintiff and defendant No.1 with respect to suit property. It does not appear from reading of the plaint that the State Government or Nagpur Improvement Trust is owner of the suit property.

5. It is well settled that while dealing with an application under Order VII Rule 11 of the Code of Civil Procedure, defence of the defendant cannot be refused. Civil Revision Application is rejected.

(ROHIT W. JOSHI, J.)