



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

CIVIL REVISION APPLICATION NO.64 OF 2026

Shri Suryakant Chunnilal Jaipuria and another .Vs. Shri Vaibhav S/o Suryakant
Jaipuria

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

Court's or Judge's Order

Mr. S.P. Kshirsagar, Advocate for petitioner.

CORAM : ROHIT W. JOSHI, J.

DATE : 08/05/2026

1. The present revision is preferred against order dated 18.03.2026 passed by the learned 2nd Joint Civil Judge Junior Division, Nagpur, rejecting application for rejection of plaint at Exhibit 13, filed by the present petitioners, who are defendants in Regular Civil Suit No.127 of 2026.

2. It is the case of the plaintiff that the suit property, which is a house property is owned by a company named "M/s Universal Drinks Pvt. Ltd." The plaintiff claims to be a Director and shareholder of the said company. The plaintiff has stated that he is residing in the suit property for a period of over 32 years and accordingly in settled possession thereof. The plaintiff has alleged that the defendants tried to take forcible possession of the suit property from him and therefore he has filed the suit for injunction.

3. The prayers in the plaint are for declaration of plaintiff being in exclusive, lawful, settled and peaceful

possession of the suit property, and for a consequential relief of perpetual injunction restraining the defendants from taking forceful possession thereof.

4. Application for rejection of plaint is filed on the ground that the suit is not maintainable in the absence of the company being a necessary party in the suit and on the ground that jurisdiction of civil Court is barred in view of Sections 241, 242 and 430 of the Companies Act, 2013.

5. Perusal of plaint averments which are only germane for deciding application under Order VII Rule 11 of the Code of Civil Procedure, 1908, will indicate that according to the plaintiff, although the company is owner of the suit property, he is in exclusive, peaceful and settled possession of the same for the past 32 years. The plaintiff has alleged that the defendants tried to take law in their hands, in order to forcibly evict him from the suit property.

6. It is well settled legal proposition that a person in settled possession of immovable property is entitled to seek relief of injunction against unlawful dispossession. In the considered opinion of this Court, such a right is a civil right, which can be enforced before the civil Court.

7. In view of the aforesaid, the contention that civil Court does not have jurisdiction to entertain the suit, cannot be accepted. It must also be stated that the grievance of the plaintiff with respect to threat to possession by use of force is pertaining to act of alleged individual wrong by the defendant Nos.1 and 2. Such alleged wrong cannot be attributed to them in their capacity of directors or office

bearers of the company. The provisions of Companies Act are not attracted.

8. The contention that the company is a necessary party to the suit, since the company is the owner of the property, cannot be accepted because the plaintiff is not seeking any injunction against the company. It is obvious that order or decree, if any, to be passed in the suit will bind only to the parties to the suit namely defendant Nos.1 and 2 and not the company.

9. In view of the aforesaid, civil revision application is **rejected** with no order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate