

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR

Dated this the 18th day of July- 2026

Present: Smt. Hema Pastapur, B.A.,L.L.B.
SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR.

OS No.169/2024

Plaintiff: Saddam Hussain S/o Maheboob
Sab Qureshi

(By Sri.M.G.,Advocate)

Defendants: Ayesha Fatima Qureshi D/o Md
Khasim Qureshi

(By Sri.C.S.P.,Advocate)

IA No.I

Dated: 29-04-2026

Objections filed on 29-06-2026

Disposal off IA No.I dated 18-07-2026

ORDERS ON IA No.I

1. That, the defendant has filed the application under Order VII Rule 11(a) and (d) R/w Section 151 of Civil Procedure Code, with a prayer to reject the plaint as this Court has no jurisdiction to trial the present matter.

2. That, the defendant in his affidavit has contended that the plaintiff ought to have filed the present suit on the board of the Civil Judge and JMFC, Shahapur and both the parties are governed by law. Hence, the present suit is barred by Muslim personal law.

3. That, the defendant has further contended that the plaintiff had contracted a second marriage and leading his marital life without giving divorce to her. Hence, there is no cause of action to file the present suit.

4. That, the plaintiff filed his detailed objections to said application and has contended that the defendant has withdrawn from her society without any reasonable cause and she one a issued a legal notice to rejoin her but, her all contentions efforts were went in vain. That, the plaintiff has further contended that the defendant has contended that she has contracted a second marriage and the said allegation requires full-fledged trial. That, the defendant filed the said application with an intention to harass her.

Hence, the present application is not maintainable.

5. That, I have heard arguments and perused the materials placed on record. That, the following points arise for My consideration and determination:-

1. Whether the present plaint is liable to be rejected as prayed for?
2. What order?

6. That, My answer to the aforesaid points are as

Point No.1: In the **NEGATIVE.**

Point No.2: As per the final order for the following;

REASONS

7. **Point No. 1:** That, the said defendant as discussed above has claimed for rejecting the present plaint.

8. It is to be noted here that, rejection of the plaint under Order VII Rule 11 of Code of Civil Procedure, is a drastic power conferred in the Court to terminate a civil action at the threshold. That, the averments in the

plaint that has to be read as a whole to find out whether it discloses a cause of action or whether the suit is barred under any law. It is only if the averments in the plaint ex facie do not disclose a cause of action or on a reading thereof the suit appears to be barred under any law the plaint can be rejected. That, in all other situations, the claims will have to be adjudicated in Course of the trial.

9. It is to noted here that, the present suit is one for Restitution of Conjugal Rights. It is to noted here that, the plaintiff has contracted a second marriage or not it requires a full-fledged trial. That, as stated above the averments in the plaint that has to be read as a whole to find out whether it discloses a cause of action or whether the suit is barred under any law. Hence, the present application is liable to rejected. Hence, without much discussion, point No.1 is answered in the **NEGATIVE.**

10. **Point No.2:** That, as discussed on point No. 1, I

proceed to pass the following:

-ORDER:-

That, the application filed by the
defendant under I.A.No.I is hereby rejected.

(Directly dictated to the typist-copyist, typed by him, corrected by
me and then pronounced in the open Court on this 18th day of July-
2026).

(Hema Pastapur)
Senior Civil Judge & JMFC,
Shahapur.