

ORDER BELOW EXH.11 IN RCS No.70/2016

1] The defendant has filed present application to give direction to the plaintiff to comply with the provisions of Order 7 Rule 1 (I), Order 6 Rule 3 and Order 6 Rule 15 of the Code Of Civil Procedure. The plaintiff opposed the application by filling say on the back side of application itself.

2] Perused application and say. Heard Ld. Advocate for the respective parties.

3] It is submitted on behalf of defendant that the suit is not tenable and the plaintiff has not complied mandatory provisions of law. The plaintiff has not properly valued the suit and not paid proper Court Fee Stamp. The plaint is not verified as per the provisions of Order 6 Rule 15 of the Code Of The Civil Procedure. Hence, it is submitted that, plaintiff be directed to comply those provisions.

4] On the other side plaintiff opposed the application on the ground that all the provisions are complied with. The application is filed only to prolong the matter. Hence, it is prayed that application be rejected.

5] At the outset, I would mention that as per order 7 Rule 1 of the Code Of Civil Procedure the particulars as specified in the Section should be mentioned in the plaint. On perusal of

the plaint, in my view all the specification as mentioned in Order 7 Rule 1 (a) to (i) of C.P.C. is mentioned. In para No.9 of the plaint, the jurisdiction of the Court as well as the valuation for the purpose of Court Fees is specifically mentioned. The defendant has not pointed out what specification is further needed in the matter.

6] It is mentioned that the plaintiff has not complied the provision of Order 6 Rule 3 and Order 6 Rule 15 which state about Forms of pleading and verification of pleadings. On perusal of the plaint, the plaintiff has filed the verification below the plaint. Therefore, it can not be said that the plaintiff has not complied the said provision. With this discussion, I conclude that application is devoid of merits and hence I pass following order :

ORDER

Application Exh.11 is rejected.

Date: 29.07.2017
Barshitakli.

(Paresh R. Wagdole)
Civil Judge (Jr.Dn.)
Barshitakli.

Affirmation

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno	Mrs. Hemlata N. Dahake, Steno.
Court	C.J.J.D. & J.M.F.C., Barshitakli.
Date of Ord.	29-07-2017
Signed by P.O.	29-07-2017
Uploaded On	01-07-2017