



**ORDER BELOW EXHIBIT 14**

(Passed on this 06<sup>th</sup> day of January, 2026)

1. This application is filed by the defendant under order 7 rule 11 of CPC for rejection of the plaint on the ground that suit is barred by Section 124 of the Bombay Tenancy and Agricultural Lands Act 1948 (hereinafter referred to as ‘ the Tenancy Act’).

2. It is contention of the defendant that, the plaintiffs contended in the plaint that elder father of the plaintiff late Bhagwan Raoji and father Tulshiram Raoji were cultivating lawfully the suit property prior to 1550 as tenant of the defendant and the name of the Bhagwan and Tulshiram has been mutated on 7/12 extract of the suit property as tenant under the Tenancy Act. The plaintiffs also contended that father of the plaintiff has filed revenue case No. 107/59(13)1962-63 in the court of Tenancy Tribunal, Jalgaon Jamod and the defendant also made application under section 120 of the Tenancy Act before S.D.M. relating to eviction of the plaintiff. On perusal of contention of the plaintiffs its reveal that disputes between plaintiffs and defendant is relating to the Tenancy right claim by the the plaintiff as per the provision of Tenancy Act. Hence, suit of the plaintiff is barred by section 124 of the Tenancy Act. Therefore, prayed to reject the plaint.

3. The plaintiffs have resisted the application by filing his say below Exh. 15 and prayed for rejection of application on the ground that no revenue case is pending regarding suit property, the defendant has filed a case regarding the suit property in the revenue department but the defendant case has been dismissed by the revenue department, the defendant has not filed any case regarding the suit property in the revenue tenancy Corut, therefore, prayed for rejection of the application.

4. Heard both the sides. Following point arises for my determination. I have given my finding thereon for the reasons stated thereunder :

Sr. No.	Points	Reasons
01-	Whether plaint is liable to be rejected?	No
02-	What Order?	As per final Order

**REASONS**

**AS TO POINT NO 1 AND 2:**

5. It is well settled that while deciding an application under O. 7 R. 11 CPC, only the averments made in the plaint are required to be considered and the defence taken by the defendant cannot be looked into.

6. A perusal of the plaint shows that the plaintiffs have sought relief of perpetual injunction restraining the defendant from disturbing the plaintiff's peaceful possession of the suit property. The

plaintiffs does not seek any declaration regarding tenancy rights, status of the tenant, ownership, or any relief which is required to be decided by the Tenancy Authorities under the Tenancy Act.

7. Section 124 of the Tenancy Act bars the jurisdiction of the Civil Court only in respect of matter which are required to be settled decided or dealt with by the Authorities under the Act. The said bar does not automatically apply merely because the land involved is agricultural in nature.

8. In the present case, the relief sought is purely of injunction based on possession. No issue arises from the plaint which requires adjudication by the Tenancy Authorities therefore, on that ground suit can not be rejected.

9. For the discussion made above, I answer point no 1 in negative and in response to point no 2, following order:

### **ORDER**

- 1] The application (Exh. 14) is rejected.
- 2] The suit to proceed further.

Date- 06/01/2026

(Swapnil L. Ramteke)  
Civil Judge J. D. Sangrampur.

RCS No: 62/2024  
Ambadas and others Vs Balaji Sansthan  
MHBU180010022024

## Certificate

I affirm that the contents of this P.D.F. are correct, word to word as per original judgment.

Name of Court : Civil Judge Junior Division,  
Sangrampur  
Name of Steno : Sumit G. Jain  
Checked & signed on : 06.01.2026  
Uploaded on : 07.01.2026