

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION MEHKAR,  
DIST. BULDHANA.**

(Presiding Officer : Smt. T. S. Gaigole)

CNR No.MHBU210008262024



**Regular Civil Suit No.234/2024**

Smt. Jijabai Pandurang Dole & anr.

V/s.

Sanjay Dagdu Dole & others.

**ORDER BELOW EXH.18**

Defendant No.1 has filed an application for rejection of the plaint under Order VII, Rule 11 of the Code of Civil Procedure.

2. It is submitted by the Ld. advocate for the defendant that defendant No.3 and 4 are the Government public servant and the plaintiff did not claim any relief against them. There is no cause of action arise against defendant No.3 and 4. The plaintiff only claimed relief against defendant No.1 and 2. Therefore, Civil Judge Junior Division, Sindkhedraja is having jurisdiction to try the present suit. Therefore, defendant prayed for dismissal of the suit against defendant No.3 and 4. Also prayed for the return of the plaint on the ground of jurisdiction.

3. Plaintiff filed say and submitted that the present application is not tenable as per Order VII, Rule 11 of C.P.C. This court has jurisdiction to try the suit. The plaintiff has mentioned in para No.6 of the plaint about the issue of measurement and revenue record regarding the defendant No.3 and 4. The defendant filed present application to prolong the matter.

4. Heard Ld. Counsels for both sides. On the backdrop of rival contentions of both parties, following points arise for my

determinations. I have recorded my finding on the same for reason mentioned below :

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1)	Whether plaint of this suit is liable to be rejected ?	... In the Negative.
2)	What order ?	As per final order.

### REASONS

#### AS TO POINT NO.1 :-

5. On perusal of the plaint, it reveals that the plaintiff filed suit for possession of the agricultural land by removing encroachment, permanent injunction and damages. The plaintiff has made Taluka Deputy Superintendent of Land Records, Sindkhedraja as defendant No.3 and Tahasildar, Sindkhedraja as defendant No.4. It is case of the plaintiff that defendant No.1 and 2 has made encroachment on the 37 R. agricultural land of the plaintiff. Defendant No.3 has carried out measurement as per measurement register No.2339/24 on 07/02/2024. In the measurement, it is found that the defendant No.1 and 2 has encroached on the 37 R. agricultural land of the plaintiff. The plaintiff demanded possession of the encroached land. However, defendant No.1 and 2 did not handed over possession and defendants are trying to change the nature of the encroached land. Defendant No.1 is approaching to the defendant No.4 to take action to change the revenue record.

6. On perusal of the prayer clause, it reveals that no relief has been claimed against defendant No.3 & 4. However, considering contention of the plaint, it appears that the presence of the

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R.C.S. No.234/2024  
Jijabai Dole & anr. V/s. Sanjay Dole & ots.

defendant No.3 and 4 is essential for the court to grant complete and effective relief. It is not necessary to claim relief against every defendant or state party. Moreover, it is settled law that partial rejection of the plaint in respect of certain prayers or against certain person is not permissible. Considering above circumstances and facts, there is no substance in the application. Therefore, the plaint is not liable to be rejected under Order VII, Rule 11 of C.P.C. Accordingly, I pass following order.

**ORDER**

- 1) The application at Exh.18 is rejected.
- 2) No order as to costs.

Date : 05/12/2025

**( T. S. Gaigole )**  
Civil Judge Senior Division,  
Mehkar.

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R.C.S. No.234/2024  
Jijabai Dole & anr. V/s. Sanjay Dole & ots.

**CERTIFICATE**

I affirm that the contents of this <u>P.D.F.</u> file order is same, word to word, as per the original order.	
Name of the Stenographer Grade II	Balkrishna M. Shilwant.
Court	Civil Judge Senior Division, Mehkar.
Date	05/12/2025
Order signed by the presiding officer on	05/12/2025
Order uploaded on	06/12/2025