

MHJN060000812025

**ORDER BELOW EXH.15**

Present application is filed by defendants with the prayer to reject the plaint on the count of mis-joinder of parties and non-joinder of necessary properties to the suit for partition. The plaintiff by filing his say at Exh.18 objected the present application.

02. Perused the application, say and record of the case. Heard learned advocate for both parties.

03. As per contention of defendants the plaintiff has not joined Gat no.303, 302 and 304 for the relief of partition and as per say of the plaintiff already partition has taken place regarding the said properties therefore he has not joined those properties in the present suit as a necessary properties.

04. Further it is objection of defendants that if defendant no.1 Avchitrao is alive then presence of defendant no.3 and defendant no.4 is unnecessary. Therefore, both these persons are not fit to decide the fact in issue. On the other hand as per the contention of plaintiff he has joined defendant no.3 and 4 as their name is mutated to the suit property.

05. As per Order VII Rule 11 of the C.P.C. plaint can be rejected when it does not disclose cause of action, it is under valued, it is barred by law and the plaintiff has not complied with mandatory directions given in the Code of Civil Procedure i.e. furnishing copies of plaint for service of summons.

06. It is settled principle that while dealing with the application for rejection of plaint the court only has to see the contention raised in the plaint. This is not the stage to adjudicate whether plaintiff has brought all ancestral properties in common hotchpot for the relief of partition or not as well as this is not the stage to adjudicate whether presence of defendant no.3 and 4 is material to decide the fact in issue or not.

07. As per contention of the plaintiff he is having cause of action against defendant no.3 and 4 also. Therefore, the objections raised by the defendants are not coming within the ambit of provision given in Order VII Rule 11 of the C.P.C. i.e. rejection of plaint. Therefore, application is liable to be rejected.

08. Application is filed at appropriate stage of the suit. Therefore, defendants are not under obligation to pay costs of application to the plaintiff. Accordingly, after considering above mentioned reasons I pass following order-

ORDER

01. Application is rejected.

02. Parties to bear their costs.

Date:-19.01.2026

(Mayuresh R. Kale)
Civil Judge Junior Division,
Bhokardan.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Steno	:	Smt. S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	19.01.2026
Judgment/order signed by the Presiding Officer on	:	19.01.2026
Judgment/Order uploaded on	:	20.01.2026