

**ORDER BELOW EXH.15 IN RCS NO.294/2020**  
**CNR NO.MHLA110002672020**

01. This is a suit for specific performance of contract. This is an application filed by defendant No.1 under Order 7 Rule 11 (D) of Civil Procedure Code. This defendant specifically pleaded that, present suit is not tenable. Hence, this application for rejection of plaint.

02. Plaintiff has filed his say and contended that this application is false one and required to be rejected with costs.

03. The Ld. Advocate for both the side. After considering submissions following points arose for my determination.

<b>Sr.No.</b>	<b>Issue</b>	<b>Reasons</b>
01.	Whether the plaints required to be rejected?	In the Negative.
02.	What order and decree?	As per final Order.

04. As per Order 7 Rule 11 (D) of CPC provides that, the plaint shall be rejected where the suit appears from the statement in the plaint to be bared by any law. Hence, in order to decide whether the suit is bared by any law, it is the statement in the plaint which will have to be construed. The court while deciding such applications must have due regard only to the statements in the plaint. Whether the suit is bared by any law must be determined from the statement in the plaint and it is not open to decide the issue on the basis of any other material including the written statement in the case.

---

05. After perusal of plaint it shows that, this plaint is not hit by any provisions of law. Hence, at this stage it can not be said that the suit is hit by the provisions of any law. Considering all these aspects I answer point no.1 in the negative and proceed to pass following order.

**ORDER**

1. Application below Exh.15 is rejected.
2. Costs in cause.

Dated:14.02.2022

(K.S.Suryawanshi)  
Civil Judge, Senior Division,  
Nilanga

---