

Order below Exh.25 in RCS No.520/2017

(Balasaheb Vs. Balasaheb & oths.)

1. Read the application and say filed thereon. Heard the learned advocates for both sides.

2. This is an application filed by defendant No.4 to 11 Under Order 7 Rule 11 of C.P.C. It is contention of defendants that, plaintiff has filed this present suit for declaration of ownership and injunction in respect of the suit property. But plaintiff has not disclosed any cause of action against defendant No.4 to 11. Therefore, prayed to reject the suit as the plaintiff has not comply the mandatory provision of C.P.C.

3. Plaintiff resisted the application and contended that, defendants have not filed their written statement even after sufficient opportunity. Plaintiff has pleaded the cause of action for filing the suit. Therefore, the application is untenable. Hence, prayed to reject the application.

4. Perused the plaint. It is seen that, plaintiff has specifically pleaded in the plaint that, defendants are trying to encroach upon the suit property and cause of action arose on 1-6-2017. The plaintiff in his para No.5 of the plaint has specifically pleaded about the alleged encroachment over the suit property by all the defendants. Therefore, application is not tenable. Hence rejected.

Date : 18/12/2017

(V. D. Bhosale)
Civil Judge J. D. Ausa.