

MHNG130003242021



R.C.S. No. 21/2021
Rajnish Vs. Surendra & Oths.

Order below Exh. 23
(Passed on 06/12/2022)

The present application is filed by defendant No. 4 and 5 under Order VII Rule 11 of the Code of Civil Procedure, 1908 for dismissal of suit. The plaintiff filed this suit for permanent injunction against the defendants. In the present application, the defendant No. 4 and 5 stated this Court that, the defendant No. 1 to 3 had executed sale deed in favour of defendant No. 4 and 5. The plaintiff is misled to the Court and approached before the competent authority for the relief. On these grounds, the suit is barred and not maintainable by provision of the laws. Today, the plaintiff's Advocate Shri. Gupta and Advocate of defendant No. 1 to 3 Shri. Neware are present before me. Today, when repeatedly called out defendant No. 4 and 5 and their Advocate are absent. On previous date, the present application is keep for appropriate order. The present application is filed by defendant No. 4 and 5 on 09/03/2020. The present application is since pending. The plaintiff filed reply on this application at Exh. 30. Perused the application and say. Heard Advocate Shri. Gupta for plaintiff. In this situation, it is not just and reasonable to keep pending the present application. It

is just and reasonable to heard whether the suit is barred or not at the time of final hearing. Hence, the application is disposed of accordingly.

Ramtek

Date :- 06/12/2022

(H. S. Satpute)

Civil Judge Junior Divison, Ramtek.