

MHOS070023562022	<u>Reg. Civil Suit No. 584/2022</u>
	<u>Ibrahim Mahmadhusen Shaikh</u>
	<u>Versus</u>
	<u>Zakiya Mahmadhusen Shaikh and</u>
	<u>others</u>
	<u>CNR No.MHOS07-0023562022</u>

ORDER BELOW EXHIBIT 19

1. The present application is filed by the defendant No. 1 to 3 under Order 7 Rule 11 of the Code of Civil Procedure, 1908 for the rejection of the plaint.
2. The defendants in their application have contended that the present suit is filed by the plaintiff for the relief of declaration and perpetual injunction against them. It is the contention of the defendants that the plaintiff has not claimed any ownership in respect of the suit property in his pleading. Hence, the plaintiff has no locus standi to file the present suit. Further, the plaintiff has not disclosed the cause of action while filing the present suit. Due to this, the plaint is liable to be rejected.
3. The plaintiff has filed his say to the present application below Exh. 23 and contended that in paragraph No. 5, 7 and 8 of the plaint, he has disclosed the cause of action. Further, he contended that the cause of action has arose on 10-10-2022. Therefore, prayed for the rejection of the application.
4. Perused the application and say filed thereon. Heard the Learned Advocate for the plaintiff and the Learned Advocate for the defendants.

5. In the instant case on the perusal of the plaint it clearly appears that the plaintiff has mentioned the cause of action in the instant suit. Hence, the cause of action has arisen for the plaintiff to file the present suit. Therefore, the contention of the defendants that the plaintiff has no cause of action does not hold good. Hence, considering the above circumstances I proceed to pass the following order-

ORDER

- 1] The application is rejected.
- 2] Costs in main cause.

Date :- 06-05-2023

(M.P. Mathure)
2nd Jt.Civil Judge, J.D., Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	---	Shri K. D. Adwant
Court	---	2 nd Jt.C.J.J.D. & J.M.F.C., Omerga.
Date	---	06-05-2023
Order signed by the Presiding Officer on	---	06-05-2023
Order uploaded on	---	06-05-2023