

MHPU120006512025



R.C.S. NO.92/2025
Ajay Nivrutti Deshmukh
Vs.
Amol Balasaheb Dhumal

ORDER BELOW EXH.21

(Dated : 18.03.2026)

This is an application filed under order 7 rule 11, clause (a) and (d) of civil procedure code.

2. According to defendant, the present suit is filed by plaintiff seeking mandatory and prohibitory injunction against this defendant. But from perusal of plaint, it is clear that the present suit is filed by this plaintiff on behalf of himself and one Agro based farmers group named 'Wadeshwar Agro Sendriya Sheti Gut'. It is mentioned in the plaint that property No. 564 is a poultry shed of plaintiff which he has erected by making huge monetary investments along with it based on the resolution passed by the farmers group also a poultry shed is erected. Thereby making a vague pleading as to description of suit property.

3. For the said poultry shed, for securing electricity connection, access Road related issues resolution is also passed. But those resolutions are not filed along with Exh. 3. Said farmers group is to be registered under Maharashtra cooperative society before joint Registrar. If not then before charity Commissioner officer. For raising any dispute on

behalf of farmers group, the plaintiff first need to seek their permission or file before the proper forum for any dispute as per the enactment of law.

4. In the present suit, plaintiff has not stated where the said farmers group has been registered. Also, no resolution for filing present suit is placed on record. Registration documents supporting to the plaintiff's case are also not have been produced. Therefore, such suit on behalf of farmers group cannot be entertained being barred by law.

5. Further the alleged poultry shed is erected exactly on whose land is not mentioned. The alleged resolutions passed in the meeting of farmers group in favour of this plaintiff for securing the electricity connection and Road access to the said poultry shed are nowhere annexed with the plaint. The details as to the resolutions were passed is also not pleaded. There seems no cause of action to this plaintiff, hence, no locus standi to the plaintiff to file the present suit on behalf of farmers group.

6. Due to the vague, confusing, insufficient pleadings the cause of action cannot be seen also based on the contents that a farmers Agro based group is involved. No resolutions for filing present suit are annexed along with the present suit. The farmer's group requires permissions from the authority where it is registered those are not on record.

Therefore, the present suit is liable to be rejected under order 7 rule 11 (a) and (d) civil procedure code.

7. The plaintiff filed their reply to the present application at exhibit 23. According to them, the present application contents are denied in Toto. The present application is moved with ill-motive to prolong the matter. The plaintiff is an emergency to decide exhibit 5 interim injunction application. The present suit clearly discloses cause of action for filing the present suit.

8. Defendant was the member of the farmers Agro based group. Hence, he is well aware as to where the registration of said group was made yet in his application he has vaguely mentioned as to suit being barred by law. They have not brought on record under exactly what section of which enactment does the farmers group need permission of some authority to file present suit.

9. As per the contention that suit property description is not given correctly and the allegation that for poultry shed, plaintiff claiming ownership on one hand and on the other hand, claiming that it is erected based on the resolutions passed in the farmers Agro based group said allegation is completely baseless because the plaint clearly describes that there are two poultry sheds, one in the name of plaintiff and the other one erected for the benefits of local farmers under 'Wadeshwar Sendriya Sheti Gut'.

10. In addition, the poultry shed is not the issue, the issue at hand is the MSEB electric connection which has been sanctioned to this plaintiff and for completing connection work and usage of it even though this defendant earlier being member of group agreed and later on is creating obstruction.

11. The present application deserves no consideration. All the necessary documents are filed on record. The present farmers group is registered under state agriculture department. Therefore, no permission of any authorities required. Hence, present application be rejected.

12. Heard both sides, perused the citations pressed on record by defendant side. The citations are as follows.

13. Raghavendra Sharan Singh versus Ram Prasanna Singh (2019) AIR Supreme Court (1430) :- In this case, a gift deed was under Challenge in the Muncif court, the said gift deed was of year 1981 and same was Challenged in the year 2003. The Supreme Court clearly observed that to Challenge the gift deed the period of limitation was of three years only and plaintiff by making a clever drafting has instituted the present suit. Court further observed that there was no cause of action to the present suit as per law of limitation. Hence, the application of the appellant under order 7 rule 11 was allowed.

14. The facts of the citation and the present case are completely different yet the observation mentioned by the honourable Supreme Court are considered such as vigilantly checking whether there is a cause of action for filing of suit and whether the suit is indeed barred by any law or not at initial stage itself.

15. Dilip Vasant Shetty versus Mrs. Angela P Olivera and others. 2023 (1)BombayCR 488. In this case, the Hon'ble Bombay High Court bench, by looking at the peculiar facts and circumstances of the case made an observation that when a plaintiff knew that in the year 2004, a civil Court had observed against them stating that defendants are in actual possession of property. The so-called cause of action to the present plaint arising out of alleged trespass by defendant in the year 2015 has to be treated as illusory cause of action.

16. The facts of the present case, and the citation pressed are completely different. In my humble opinion They have no Nexus whatsoever. Yet the observation of hon'ble High Court that a court must remember that if on meaningful not formal reading of the plaint, it manifestly vexatious and meritless in the sense of not disclosing a clear right to sue then the Court should exercise its powers under order 7 rule 11, and if clever drafting has been made to create an illusion of cause of action, then the same needs to be nipped in bud at the first hearing by examining the

parties searchingly. An active is judge is the answer to irresponsible lawsuits.

17. Rama Shetty Venkataana and others versus Nasaya Jamal Saheb and others 2023 live law, Supreme Court 372:- In this case hon'ble Supreme Court has observed that while deciding the application under order 7 rule 11, mainly the averments in the plaint only are required to be considered and not the averments in the written statement. Plaint is ought to be rejected when it is vexatious based on illusionary cause of action and barred by limitation. In that case of clever drafting was clear. Said observations of hon'ble Supreme Court are duly considered while deciding the present suit.

18. I have perused the application and say along with the plaint and documents annexed at exhibit 3. Heard both sides at length.

19. The first objection of the defendant is that there is no cause of action to the present suit. Cause of action is nothing but bundle of facts on which the suit gets filed. Hence, for finding the cause of action entire plaint has to be considered. Therefore, on perusal of the plaint, para number 7 of the plaint clearly states as to cause of action for plaintiff against the defendant. Even the entire plaint clearly discloses the contains against the interest of plaintiff caused

by the defendant, therefore, in my opinion, there is a cause of action for filing the present suit.

20. As for the contentions of defendant that, description of suit property being vague, on perusal of the plaint issue at hand is not of poultry shed but of the MSEB electricity connection work to which allegedly this defendant has obstructed. Who is the owner of the poultry shed? Whether there is one or two poultry shed, the resolutions as to the farmers Agro based group are all part of evidence. For now plaint discloses the poultry shed by property No. for which Form No. 8A is annexed with document list Exh. 3 which is sufficient description of suit property.

21. Now the second bone of contention for the present application is that the suit is barred by law. According to defendant, the alleged Agro farmers group is to be registered under Maharashtra Cooperative Societies Act or under Maharashtra Public Trust Act and hence the forum for raising any grievance is other than the present court. Here to substantiate this defendant has not stated any provision of above stated enactment where such farmer group are to be registered. On the other hand, the plaintiff in his say to the application has clearly stated that the present farmers group is registered under State Agriculture Department and does not require any permission.

22. In such situation a judicial note can be taken that Agro based farmers group can be registered under State Agriculture Department. Thereby the farmers group can sufficiently raise a dispute before a civil court, hence at this point, I do not see that the present suit is barred by any law. Therefore, the contention of the defendant in this application as to no cause of action and suit being barred by law does not hold water. With this reason, I pass following order:-

ORDER

- i) Application at exhibit 21 is rejected
- ii) Plaintiff and defendant are directed to proceed for argument on exhibit 5 on next date.
- iii) Cost in cause.

Date : 18.03.2026

(N.K.Nagargoje)
Civil Judge Jr. Division
Bhor, Dist. Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno :- P. V. Satpute
(Stenographer Grade-III)

Court Name :- N.K.Nagargoje
C.J.J.D
Bhor

Date of Order :- 18/03/2026.

Order signed by the 20/03/2026.
Presiding Officer :-

Order Uploaded on :- 20/03/2026.