

MHTH020014532025



**Rohit Kantilal Jain**  
**Vs.**  
**Shree Ambaee Developers**

**ORDER BELOW EXH.24 IN REG. CIVIL SUIT NO.263/2025.**

This application filed on behalf of defendant No.1(D) under Order VII Rule 11 of the Code of Civil Procedure.

2. In brief, it is submitted by the applicant that the suit is not maintainable against him. He is not necessary or proper party. He has been unnecessarily joined in the present suit. There was no privity of contract with him. On this count, he prayed that plaint be rejected as per Order VII Rule 11 of the Code of Civil Procedure.

3. The plaintiff filed his reply which is below Exh.31. It is submitted that the application is false and baseless. He has pleaded about the role played by the applicant. The applicant is one of the partner of the firm and the rest of the partners acted on behalf of the firm. Therefore, being partner, he is necessary party in the dispute. On these submissions, he prayed for rejection of the application.

4. Heard Ld. Advocates of the party. Ld. Advocate for the

plaintiff also filed written notes of argument, which is below Exh.52.

5. The points for determination alongwith my findings thereon with reasons therefore, are as under:

| <u>Sr. No.</u> | <u>POINTS</u>                                           | <u>FINDINGS</u>              |
|----------------|---------------------------------------------------------|------------------------------|
| 1.             | Whether the plaint is liable to be rejected as prayed ? | No.                          |
| 2.             | What Order ?                                            | The application is rejected. |

**:REASONS:**

**AS TO POINT NO.1 AND 2:-**

6. Before considering the rival submissions, it is necessary to mention that today I have rejected another application praying for rejection of plaint filed by other defendants, which is below Exh.12. Therefore, I need not discuss in detail the averments made in the plaint. They are already referred in detail in similar application filed by other defendants below Exh.12. The paramount contention of the present applicant is that he has no role to play in the transaction in question and he has been unnecessarily joined in the present matter. The plaintiff in the plaint clearly mentioned about the details of defendant No.1 firm. In support of these averments the plaintiff has also placed on record various documents. It would be impermissible to appreciate these facts by considering the defence of the applicant. That would be a triable issue. However, no good ground is made out to reject the plaint as requested by the applicant. Hence, relying

upon the reasoning given below Exh.12 and for aforestated reasons, I answer Point No.1 in the Negative, and in answer to Point No.2, I pass following order.

**ORDER**

1. The application stands rejected.
2. Costs in cause.
3. See order below Exh.12.

Place :- Thane.

Date :- 20.11.2025

(P. A. Patki)

2<sup>nd</sup> Jt. Civil Judge (S.D.) Thane.