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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 329 OF 2025**

Sanjay Gaurishankar Sharma and Anr ... Applicants

VS.

Devang Dinesh Parmar and Ors ... Respondents

Mr. R.D. Soni a/w. Mr.Sachin Choudhari for the Applicants

Mr. Devang D.Parmar, Respondent No.1 party in person present.

CORAM : GAURI GODSE, J.

DATED : 4th JULY 2025

ORDER:

1. This civil revision application challenges the order rejecting the application under Order VII Rule 11 of the Civil Procedure Code, 1908('CPC') for rejection of the plaint. The objection is two fold. Firstly, the suit does not plead any cause of action and it is also barred as a Regular First Appeal is not maintainable and the plaintiff claims through defendant no.5, who has already filed the first appeal and is pending. The civil revision application raises arguable points. Hence, admit.

2. The respondent-plaintiff who appears in person relies upon the order dated 18th September 2022 passed by this court in Writ Petition(Stamp) No. 92330 of 2020. He submits that this court has observed that the suit, which is for setting aside a decree on the ground of fraud, would have to go through trial, whereafter alone appropriate relief concerning the terrace could be sought. He thus, submits that the trial would be necessary. The respondent-

plaintiff also relies upon the order of Division Bench of this court in Writ Petition No. 129 of 2017. He submits that this order would show that the suit property requires urgent repairs.

3. I have perused the papers of the civil revision application. The order dated 18th September 2020 in the earlier writ petition was arising out of the rejection of plaintiff's application for interim relief. The observation made by this court in the said order are concerning the prayer of interim relief prayed by the plaintiff. Hence, the said observation would not be any assistance to the respondent-plaintiff to contend that the application under Order VII Rule 11 of the CPC needs to be rejected. The order passed by the Division Bench would also not be of any assistance in deciding the rejection of plaint under Order VII Rule 11 of the CPC.

4. I have perused the plaint. Prima facie, the plaint is bereft of material particulars of the cause of action. There is no paragraph in the plaint pertaining to the cause of action. On reading the plaint prima facie, the material particulars about the cause of action are not seen. Hence, the applicant-defendant has made out a case for grant of interim relief. Hence, during the pendency of civil revision application, there will be interim relief in terms of prayer clause (c).

(GAURI GODSE, J.)