

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO. 153 OF 2009

DINKAR SHANKARRAO PATIL
VERSUS
SHESHRAO SHANKARRAO PATIL

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Mr.V.D.Salunke, advocate for applicants
Mr.S.S.Jadhavar, advocate for respondent

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CORAM : M.T. JOSHI, J.
DATE : APRIL 23, 2015

PER COURT :

Heard.

2] The issue in the suit was as to whether, the present respondent/plaintiff is the owner of the suit property along with the present applicant/defendant.

3] The present applicant/defendant filed an application for dismissal of the suit, on the ground that since the dispute was regarding a school and educational institution, the suit is barred.

4] It should be noted that according to the present respondent/plaintiff, the applicant/defendant has rented the premises to a school. In the circumstances, there would be no bar to continue with the suit merely because a school is the tenant. In that view of the matter, the trial Court has taken a correct view.

5] Present Civil Revision Application is, therefore, dismissed without any order as to costs.

6] Learned counsel for the applicant further submits that the suit of the present respondent/plaintiff was dismissed in default. Thereupon, the respondent/ plaintiff filed an application for restoration of the suit and again the said application was also dismissed in default.

7] In the circumstances, it is made clear that subject to the decision in the restoration application, if any, of the suit, the above order is passed.

[M.T. JOSHI, J.]

kbp