

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 145 OF 2014
(Baliram Devrao Yadav and others Vs. Sandipan Janardhan
Patil (Shinde) and others)

Mr. Mahendra B. Kolpe, Advocate for the petitioners
Mr. V.D. Salunke, Advocate instructed by and with Mr.
B.A. Shinde, Advocate for the respondents

CORAM : M.T. JOSHI, J.
DATE : 25/03/2015

ORAL ORDER :

1. Heard both sides.
2. The reading of the application of the present petitioners/defendants before the trial court is nothing but taking the pretext of procedural niceties regarding service of summons when the petitioners themselves appeared in the trial court and already, the notices are served on them.
3. Mr. M.B. Kolpe, learned counsel for the petitioners, submits that no time for argument was given by this Court. In fact, five minutes' time was granted to him for advancing his submissions. In my view,

therefore, the objection in this regard is overruled.

4. Mr. Kolpe, learned counsel for the petitioners, in support of his submissions, relied on the following authorities:-

- (I) AIR 1956 BOMBAY 721
(Haridas Mafatlal Gagalbhai V. Vijayalakshmi Navinchandra Mafatlal Gagalbhai and others)
- (II) AIR 2010 SC 211
(Abdul Rahim and others Vs. Sk. Abdul Zabar and others)
- (III) AIR 1992 BOMBAY 189 (1)
(Devgonda Raygonda Patil Vs. Shamgonda Raygonda Patil and another)
- (IV) 2013 (3) ALL MR 65
(Sima Hotels & Resorts Ltd. Vs. Dugal Projects Development Company Pvt. Ltd.)
- (V) AIR 2006 S.C. 2628 (1)
(Pushpa Devi Bhagat (Died) by L.Rs. Vs. Rajinder Singh and others)

5. In view of the observations of the learned Civil Judge, Senior Division, all other issues regarding cause of action, etc. can be raised in the written statement and those can be decided by the trial court, either by framing preliminary issues or if thought

proper, on merit of the case. Upon going through the papers on record, the authorities relied on by the learned counsel for the petitioners are not applicable to the facts of the present case.

6. With the above observations, the present civil revision application is dismissed without any order as to costs.

[M.T. JOSHI]
JUDGE

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