

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 281 OF 2012

Smt. Karunabai Mohanrao Kulkarni .. Petitioner

Versus

Vinayak Dadarao Shinde and others .. Respondents

Ms. Anjali Bajpai Dube, Advocate for the Petitioner

Shri M. L. Dharashive, Advocate for Respondent Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 25TH AUGUST, 2015.

PER COURT :

. The present revision is filed against an order passed below Exhibit 50 thereby rejecting the plaint U/O 7 Rule 11-D of the Code of Civil Procedure.

2. I have heard the learned counsel for respective parties.

3. The rejection of plaint tantamounts to a decree as per Sec. 2(2) of the C. P. C. and as such regular appeal would be tenable U/Sec. 96 read with Order IV of the C. P. C.

4. In the light of that, the civil revision application is disposed of with liberty to the petitioner to avail the remedy of appeal. All contentions are kept open. The forum where the appeal would be

filed shall consider the time spent in prosecuting the present civil revision application. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15