

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.217 OF 2014

Bansilal s/o. Ramnath Lahoti,
Age : Major, Occu.Agriculture,
r/o. At present, MIDC Area
Parbhani, Dist.Parbhani
Through his G.P.A. Holder
Anil s/o. Bansilal Lahoti
Age Major.Occ. Business,
r/o. MIDC Area, Parbhani ..Applicant

Versus

Syed Ismail s/o. Syed Tajoddin,
Age Major, Occ. Business,
r/o. Gangakhed, Tq. Gangakhed,
Dist.Parbhani ..Respondent

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Mr.P.N.Kalani, advocate for applicant

Mr.S.S.Kazi, advocate for respondent - sole

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CORAM : M.T. JOSHI, J.

DATE : JUNE 30, 2015

PER COURT :

Rule. Rule made returnable forthwith. By
consent of the parties, heard finally.

3] While dismissing the application of the present applicant/original defendant filed under the provisions of Order 7 Rule 11 of the Code of Civil Procedure, the trial Court has made certain observations on merit of the case. In fact, the application was to be decided only on the basis of the pleadings in the plaint and the law involved, if any. In the circumstances, any observations made on facts of the case either in favour of plaintiff or defendant shall not be treated final by the trial court and the suit to proceed and finally be decided on its own merits.

4] With these observations, present Civil Revision Application is disposed with no order as to costs. Rule made absolute accordingly.

[M.T. JOSHI, J.]

kbp