

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.46 OF 2007

Shri Rajendra Babulal Sarnot.] ... Petitioner/
(Ori. Plaintiff)

Versus

Sau. Sangita Sunil Bharadiya.] ... Respondent/
(Ori. Defendant)

Mr. P. J. Pawar for Petitioner.

Mr. Bhushan Walimbe for Respondent.

CORAM :- M. S. SONAK, J.

DATE :- APRIL 27, 2015

P. C. :-

1. This Civil Revision Application is directed against the Judgment and Order dated 29/01/2007 made by the Civil Judge, Senior Division, Barshi, whereby the learned Civil Judge has dismissed the Applicant's Special Civil Suit No.35 of 2002 which had been instituted under the provisions of Specific Relief Act, 1963.

2. There is no dispute that the Applicant has thereafter instituted Special Civil Suit No.35 of 2012 in the Court of Civil Judge, Senior Division, Barshi, which is a substantive suit for the purposes of seeking, inter alia, restoration of possession. In fact, Section 6 (4) of the Specific Relief Act, 1963, states that nothing in Section 6 shall bar any person from suing to establish his title to such property and to recover possession thereof. Such suit is at a fairly advanced stage. In that, the cross-examination of the Defendant is in progress.

3. In view of the aforesaid, no useful purpose would be served by making any order in the present Revision Application. Accordingly, the impugned order dated 29/01/2007 is not interfered with. However, it is clarified that from making of the impugned order dated 29/01/2007 or for that matter, the non-interference therewith, by this Court, was not, in any manner, influence the learned Civil Judge, Senior Division, Barshi, in deciding Regular Civil Suit No.35 of 2012, on its own merits and in accordance with law.

4. Accordingly, the present Revision Application is disposed of. The learned Civil Judge is directed to dispose of Regular Civil Suit No.35 of 2012 as expeditiously as possible and in any case, within a period of six months from today.

5. The parties to appear before the learned Civil Judge on 29/04/2015 which is the date fixed in Regular Civil Suit No.35 of 2012 and inform the learned Civil Judge about making or this order in case by that time authenticated copy of this order is not available.

6. All parties to act on the basis of authenticated copy of this Order.

(M. S. SONAK, J.)