

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 56 OF 2015**

Anurag Sanjay Jaid

..Applicant

Vs.

Vijay Pandit Kotare & Ors.

..Respondents

Mr. Ajit Karwande for the Applicant

Mr. V. B. Tapkir for the Respondent Nos.1 to 3

CORAM : R. M. SAVANT, J.

DATE : 6th FEBRUARY, 2015

P.C.

1 The above Civil Revision Application has been filed challenging the order dated 9-2-2012 passed by the Learned 7th Joint Civil Judge Senior Division, Pune by which order, the application Exhibit 45 filed under Order VII Rule 11 of the Civil Procedure Code, came to be rejected.

2 The said application was founded on the fact that since the Plaintiffs and the Defendant No.4 are married prior to 1994, Section 6 of the Hindu Succession Act, 1956 as amended cannot be invoked by them. The Trial Court has considered the said application and by relying upon the judgment which have been mentioned in the impugned order, rejected the application. The rejection of the said application can also now be sustained in view of the Full Bench Judgment of this Court in the matter of **Badrinarayan Shankar**

Bhandari & Ors. Vs. Omprakash Shankar Bhandari¹ which concerns the interpretation of Section 6 of the Hindu Succession Act.

3 The Suit is also maintainable in view of the fact that the father of the Plaintiffs and the Defendant No.4 has also expired during the pendency of the instant application Exhibit 45. Hence no case for exercise of the Revisionary Jurisdiction of this Court under Section 115 of the Civil Procedure Code is made out. The Civil Revision Application is accordingly dismissed.

[R.M.SAVANT, J]

¹ 2014(5) ALLMR 846