

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 112 OF 2015

Ananda Ragho Ghagare & Ors.	..	Petitioners
VS.		
Smt. Sitabai Sitaram Gavli	..	Respondent

Mr. Sanjay P. Shinde for Petitioners.

CORAM : M. S. SONAK, J.
DATE: 10 APRIL 2015

P.C. :-

- 1] On 18 March 2015, notice was issued for final disposal of this matter at the stage of admission.
- 2] Rule.
- 3] The learned counsel for the petitioners submit that service is complete upon the respondents and files an affidavit of service to that effect.
- 4] This CRA challenges the order dated 16 January 2015 made by the Joint Civil Judge, Junior Division, Nashik, rejecting the petitioners application under Section 9A of the CPC.
- 5] If the impugned order is perused, then upto paragraph 7, facts in brief and the contentions of the respective parties have been transcribed. Paragraph 8, which is the last paragraph observes that since there is substance in the submissions made by

the learned counsel for the plaintiff, preliminary issues cannot be framed.

6] There are no reasons contained in the impugned order. Paragraph 8 merely records the conclusion. This is not a satisfactory manner of dealing with the petitioners' application. The impugned order contains no discussion with regard to the relative merits and demerits of the contentions of the respective parties. On this short ground, the impugned order is liable to be set aside and is hereby set aside.

7] Matter is remanded to the learned Civil Judge for reconsideration of the petitioners' application under Section 9A of the CPC. This court has not adverted to the merits of the matter and therefore it shall be for the learned Civil Judge to reconsider such application on its own merits and in accordance with law. In disposing of such application, however, the learned Civil Judge shall make a reasoned order after dealing with the contentions of the parties.

8] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

9] All parties to act on basis of an authenticated copy of this order.