

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 178 OF 2015

Mr.Mushtaq Amir Ghatte and
Anr.

..Applicants

Vs

1. Mr.Imran Abdul Razak Ghatte
and Ors.

.. Respondents

Mr. M.S. Ansari i/b Rahimtulla M. Momin, Advocate for Applicants/
petitioners.

Mr. Vishwajit P. Sawant i/b Prabhakar M. Jadhav, Advocate for
Respondents.

**CORAM : R.G.KETKAR,J.
DATE : 10/06/2015**

PC:

1. By this Petition under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the respondent in the Appeal has challenged the order dated 3.2.2015 passed by the learned District Judge-2, Raigad-Alibag below Exhibit-10 in Civil Appeal No.81 of 2014. By that order, the learned District Judge dismissed the application taken out by the petitioners under section 141 of C.P.C. for rejection of the Appeal on the ground that the Appeal is not maintainable.

2. During the course of hearing of this petition, the learned counsel appearing for the petitioners submitted that aggrieved

by the Judgment and decree dated 30.4.2014 passed by the learned Jt. Civil Judge, Sr.Dn., Alibag in special Civil Suit No.168 of 2011, the petitioners have already filed substantive appeal before the District Court and the same is pending. The learned trial Judge had dismissed the suit instituted by the petitioners. In view thereof, the Appeal preferred by respondents no.2 and 3 shall be treated as cross objections to the Appeal filed by the petitioners herein. It will be open to the parties to take out appropriate application for amendment of the Appeal and cross objections. In view thereof, nothing survives in this Petition and accordingly the same is disposed of.

(R.G.KETKAR, J.)