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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 668 OF 2011

Nilabai Ambadas Kalkumbe and another .. Petitioners

Vs.

Kum.Madhuri Arjun Kalkumbe .. Respondent

Mr.Vishwanath Talkute, Advocate for the Petitioners.

Mr.Ajay A.Joshi, Advocate for the Respondent.

CORAM : R. G. KETKAR, J.

DATE : 30th JUNE, 2015

P.C. :

. Heard Mr.Vishwanath Talkute, learned Counsel for the petitioners and Mr.Ajay A.Joshi, learned Counsel for the respondent at length.

2. By this petition under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), original defendants No. 1 & 2 have challenged the judgment and order dated 29/04/2011 passed by the learned Joint Civil Judge, Senior Division, Pandharpur below Exhibits 35 in Special Civil Suit No. 51 of 2009. By that order, the learned trial Judge overruled the objections raised by the petitioners on the ground that suit is barred by limitation as also suit is not maintainable.

3. After arguing the Petition for quite some time, Mr.Talkute states that the petitioners will not press this Petition if

liberty is reserved to them as contemplated by Section 105(1) of C.P.C.

4. In view thereof, Petition is disposed of as not pressed. It is, however, expressly made clear that in case where a decree is appealed by the petitioners, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)