

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Civil Revision Application No. 69 of 2014
Laxman and ors v. Smt Kamlabai and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr Raju Dhoble, Adv for applicants
Mr P. S. Khubalkar, adv for respondents

CORAM : A. P. BHANGALE, J

DATED : 10th June 2015

1. Heard learned counsel for the parties and perused impugned order.
2. This revision application is filed against order dated 10.2.2014 passed by Civil Judge, JD, Hingna in MJC No. 7 of 2010 condoning delay caused in filing application for setting aside abatement of suit and for bringing legal representatives of Mahadeo Kakde (judgment-debtor) on record.
3. Learned counsel for revision petitioner has placed on record copy of judgment of this Court in the case of **Chandu Ambekar & anr v. Digambar Kulkarni & ors** reported in **2004 (4) Mh. L. J. 69** along with pursis dated 7.7.2014 claiming that in view of that decision, civil revision application is maintainable.
4. The said ruling is of no help to the revision applicant, because revisional jurisdiction is limited to

be exercised rarely when subordinate Court failed to exercise jurisdiction vested in it or acted in excess of jurisdiction, illegally or with material irregularity. In the present case, merely an application seeking condonation of delay moved by respondents Smt Kamlabai and others was allowed by the Court and suit continued to proceed further and, therefore, revision under Section 115 CPC at the behest of applicants is not maintainable.

5. Civil Revision Application is dismissed, however, with liberty to the applicants to take recourse to any other remedy as may be available in law. No order as to costs.

JUDGE

joshi

