

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

CAC No. 67 of 2014 And CRA (St) No. 18112/12
Supreme Urban v. Smt Anutai 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 S. Sangamnerkar, Adv for applicant
 Mr D. A. Sonwane, adv for respondents

CORAM : A.V. NIRGUDE, J

DATED : 30th March 2015

1. CAC No. 67 of 2014 : Heard learned counsel for the parties. Respondents opposed application saying that the ground for condonation of delay is not at all convincing. However, for granting applicants an opportunity to contest the case on merit before this Court, I am allowing application seeking condonation of delay of 147 days. However, the same deserves to be allowed only on payment of costs of Rs. 5000/-. The costs shall be paid within one week from today.

2. CRA (St) No. 18112/14 : Heard. Applicant is defendant no. 1 in whose favour certain sale deed was executed by other two defendants. Plaintiffs filed suit for getting sale deed cancelled. According to them, they had undivided share in the suit property and without their consent, the other two defendants sold the same unauthorizedly. Applicant/defendant

no. 1 filed application seeking rejection of plaint on the ground that it is not properly valued. Such an objection is not a subject-matter which would come under the purview of Order VII, rule 11 of the Code of Civil Procedure. Such an objection should be taken in Written Statement and the Court might decide the issue of valuation as preliminary one. Of course, this again is at the discretion of the learned Judge of the trial Court. He may decide all the issues at one time. Civil Revision Application does not require further attention.

3. Application seeking rejection of plaint stands rejected. Consequently, revision petition is dismissed. No costs.

JUDGE

joshi