

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION(ST) NO.5849 OF 2015
WITH
CIVIL APPLICATION NO. 468 OF 2015 IN CRAFT/5849/2015**

Ramjitsingh Pratapsingh Solanki

..Applicant

Vs

Shree Charotaria Lava Samaj
Trust and Ors

.. Respondents

Mr.P. P.Killedar i/b Prasha P. More, Advocate for Applicant.
Ms.Bhakti Jogal i/b Priti Joshi , Advocate for Respondent-14/Deft
no.14.

CORAM : R.G.KETKAR,J.
DATE : 30/11/2016

PC:

1. Not on Board. At the request of Mr. Killedar, taken up in production board. Heard Mr. P.P.Killedar, learned counsel for the applicant and Ms. Bhakti Jogal, learned counsel for the respondent no.14 at length.
2. This Civil Revision Application is preferred against the Judgment and order dated 22.2.2014 passed by the learned Judge, City Civil Court, Greater Mumbai in Notice of Motion No.1741 of 2013 in S.C.Suit No.7275 of 2006. By that order, the learned trial Judge allowed the motion taken out by defendant no.14 under Order VII, Rule 11(d) of the Code of Civil Procedure, 1908 (for short, 'C.P.C') for rejecting the plaint on the ground of bar of limitation.
3. In view of Section 2(2) of C.P.C, rejection of plaint is

included in the expression 'decree'. Mr Killedar therefore seeks permission to withdraw the Civil Revision Application with liberty to file substantive appeal against the impugned order.

4. On the motion made by Mr. Killedar, Applciation is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. Registry is directed to return certified copies to the applicant.

5. In view of disposal of the main Civil Revision Application, Civil Application No.468 of 2015 for condoning delay of 258 days in filing Civil Revision Application does not survive and the same is disposed of.

(R.G.KETKAR, J.)