

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

***CIVIL APPLICATION NO. 272 OF 2014
IN
CIVIL REVN. APPLN. (ST) NO. 9622 OF 2014***

Shri Rajendra Shivaji Khaladkar,
R/at Patas, Tal. Daund, Dist.Pune.

... Applicant

v/s

Ankush Vishnu Hambir & ors.

... Respondents

Ms.Priyanka Joshi i/by Rahul Kate for the applicant in both applications.

Mr.V.S.Talkute for Resp. Nos.1 to 3, 6 to 13, 15 to 30, 32 to 49, 51 to 53, 55 to 60.

Coram: N.M. Jamdar, J.

Dated: 23 September 2016

ORAL ORDER:

The civil application is taken out for condonation of delay of 93 days in filing the civil revision application. In the revision application, the Applicant has challenged the order of the learned Civil Judge, Senior Division, Baramati, dated 11 September 2013, rejecting the application taken out by the Applicant for valuation of the suit. After the order was passed on 11 September 2013, present civil revision application was filed along with the application for

condonation of delay. On the application for condonation of delay, notices were issued on 13 June 2014 and since then the matter has appeared on board on numerous occasions for want of service to 78 Respondents. Some of the Respondents have filed their appearance through advocate. As regard several Respondents, the civil application has been abated. Considering the fact that the impugned order is passed in the year 2013 and that there is no stay to the suit and that the civil application has been abated against several Respondents, merits of the order challenged in the revision application can be kept open in case the decision in the suit is adverse to the Applicant.

2 In the circumstances, the civil application as well as the civil revision application, are disposed of by keeping open the challenge of the Applicant to the impugned order to be agitated in the appellate proceedings in case the decision of the suit is adverse to the Applicant or the Applicant chooses to file any cross-objections or cross-appeal.

(N. M. Jamdar, J.)