

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

**CIVIL APPLICATION NO. 264 OF 2016
IN
CIVIL REVISION APPLICATION NO.553 OF 2012**

Vandit Developers (India) Pvt. Ltd. Applicants

Versus

Satellite Towers Co-operative Housing
Society through representatives
Mr. Maharaj Zutshi & Ors. Respondents

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Mr. S. S. Patwardhan for the Applicant.
None for the Respondents.

...

CORAM : N. M. Jamdar J.

Friday 26 AUGUST, 2016

P. C.

. Heard the learned counsel for the Applicant.

2. Perused the Application, sufficient cause is made out for restoring the Civil Revision Application.

3. The Civil Revision Application stands restore to file and is taken out for consideration forthwith.

4. By the impugned order dated 7 March 2012, the learned Civil Judge, Junior Division, Pune has rejected the Application filed

by the Applicant under order VI rule 16 of Civil Procedure Code for striking out certain paragraphs in the plaint, certain clauses in prayer and also names of the defendants / petitioners.

5. The order passed is an interlocutory order against which no appeal or revision is provided under Code. The code itself provides a remedy against the such orders under section 105 of the Code wherein the challenge to such interlocutory order can always be raised in Appellate proceedings. Since this remedy is available to the Applicant, it is not necessary to interfere. Even though the Civil Revision Application has been filed, and if it is allowed then also the entire Suit does not get disposed of.

6. In these circumstances, keeping the issue raised in this Application open in the appellate proceedings, the Revision Application is disposed of.

(N. M. Jamdar, J.)