

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 16 OF 2010
WITH
CIVIL APPLICATION NO. 678 OF 2015

Venkatesh M. Subbiah & Ors. .. Applicants
VS.
Mrs. Padma V. Naidu & Anr. .. Respondents

Mr. Vivek B. Pandey for Applicants in CRA and for Respondents in CA.

Ms Gauri Jadhav with Mr. Tushar Jadhav for Respondent No. 1 in CRA and for Applicants in CA.

CORAM : M. S. SONAK, J.
DATE: 08 JULY 2016

P.C. :-

1] After this matter was argued for some time, the learned counsel for the parties agree that this revision application can be disposed of with the following agreed order:

(A) Without prejudice to the rights and contentions of the respective parties, the impugned order dated 11 November 2009 is set aside;

(B) The respondent nos. 1 and 2 (original plaintiffs before the trial court) are granted liberty to file application seeking amendment of the plaint, including *inter alia* amendment to the prayer clause in the plaint. Such application to be filed within six weeks from today. The plaintiffs as well as other defendants to

the suit are at liberty to file their reply within a period of two weeks thereafter. The trial court to dispose of such application as expeditiously as possible and in any case, within a period of three months from the date the same is lodged;

(C) If the objection of the applicants herein to valuation of the plaint and consequently jurisdiction of the trial court survives, the applicants are at liberty to file a fresh application questioning the jurisdiction. The trial court to decide such objection as expeditiously as possible and again, within a period of three months from the date if and when such objection is raised.

(D) All contentions of all parties are left open for consideration by the learned trial court.

(E) The parties to appear before the trial court on 8 August 2016 at 3 p.m. and produce authenticated copy of this order.

3] Civil revision application is disposed of in the aforesaid terms.

4] In view of the disposal of the civil revision application, civil application does not survive and even the same is disposed of.

(M. S. SONAK, J.)