

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 537 OF 2015

M/S. LIFE PROPERTIES,
THROUGH ITS PARTNER,
MR. VISHAL CHANDRAKANT KELE ...Applicant
Versus
DHARMA DHONDU BHARAM ...Respondent

WITH

Civil Revision Application NO. 538 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus
SUNITA RAMESH WALHEKAR ...Respondent

WITH

Civil Revision Application NO. 539 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus
RUPALI ROHIDAS MOHOL ...Respondent

WITH

Civil Revision Application NO. 540 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus
BALARAM GANGARAM GAIKAR ...Respondent

WITH

Civil Revision Application NO. 541 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus

VILAS VISHWANATH CHAVAN

...Respondent

WITH

Civil Revision Application NO. 542 OF 2015

M/S. LIFE PROPERTIES

...Applicant

Versus

ARUN DAGDU WAGH

...Respondent

WITH

Civil Revision Application NO. 543 OF 2015

M/S. LIFE PROPERTIES

...Applicant

Versus

RAHIBAI RAMBHAU SONWANE

...Respondent

WITH

Civil Revision Application NO. 544 OF 2015

M/S. LIFE PROPERTIES

...Applicant

Versus

SANGEETA SUDAM KALE

...Respondent

WITH

Civil Revision Application NO. 545 OF 2015

M/S. LIFE PROPERTIES

...Applicant

Versus

VASANT YAMAJI GAIKWAD

...Respondent

WITH

Civil Revision Application NO. 546 OF 2015

M/S. LIFE PROPERTIES

...Applicant

Versus

RAMA ABA SONWANE

...Respondent

WITH

Civil Revision Application NO. 547 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus
JITENDRA VASANT GAIKWAD ...Respondent

WITH
Civil Revision Application NO. 548 OF 2015

M/S. LIFE PROPERTIES ...Applicant
Versus
NISHA VITTAL VALHEKAR ...Respondent

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Mr. A.G. Damle, Senior Counsel i/b. Reddy (Aradwad) Jagdish G., Advocate for the Applicant.
Mr. Rajendra Anbhule a/w. Mr. Sudam Kale, Advocate for the Respondents.

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CORAM : R. G. KETKAR, J.

DATE : 16th FEBRUARY, 2016

P.C.

1. Heard Mr. Atul Damle, learned Senior Counsel for the applicant, Mr. Rajendra Anbhule, learned Counsel for the respondents in all the applications, at length.

2. By these applications under Section 115 of Code of Civil Procedure, 1908 (for short, 'CPC'), the applicant, hereinafter referred to as 'defendant', has challenged the

judgment and order dated 8.6.2015 passed by learned 13th Joint Civil Judge, Junior Division, Pune below Exhs.17 in the suits instituted by the respondent, hereinafter referred to as the 'plaintiff'. By that order, learned trial Judge rejected the application made by the defendant under Order 7 Rule 11 of CPC for rejecting the plaint on the ground set out in the applications. Learned trial Judge rejected the application mainly on the ground that the defendant has not raised specific objections as contemplated under clauses (a) to (d) of Rule 11 of Order 7 of CPC. The defendant has raised grounds touching the merits of the case.

3. Mr. Damle states that Mr. Vishal Kele, Partner of the applicant, is present in the Court. He has tendered a photocopy of PAN card of Mr. Vishal Kele, which is taken on record and marked 'X' for identification. After arguing the applications for quite some time, Mr. Damle upon taking instructions from Mr. Vishal Kele seeks permission to withdraw the applications Exh.17 filed under Order 7 Rule 11 of CPC with liberty to file fresh applications in the trial Court. He submits that if such applications are taken out, learned trial Judge may be directed

to dispose of the applications uninfluenced by the observations made in the impugned orders.

4. Mr. Anbhule submits that if in case the applicant is permitted to file fresh applications, all contentions of the respondent including objection as regards maintainability of such applications may be kept open.

5. In view thereof, on the motion made by Mr. Damle, applications at Exh.17 made under Order 7 Rule 11 of CPC are allowed to be withdrawn with liberty as prayed for. The impugned orders, therefore, stand dissolved. All contentions of the respondent including objection as regards maintainability of the proposed applications are kept open. Learned trial Judge will decide the applications on the basis of material on record and in accordance with law uninfluenced by the observations made in the impugned orders.

6. Mr. Damle assures that within two weeks from today, he will take out appropriate applications under Order 7 Rule 11 of CPC and serve copy in advance on the other side. Mr. Anbhule submits that within two weeks from receipt of the

applications, the respondents will file reply and serve copy in advance on the other side. Learned trial Judge is requested to decide the applications within eight weeks from presentation of the applications. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)