

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.560 OF 2016

(Dr. N. Sudhirkumar @ Dr. Sudhirkumar Gopalkrishna Nidmarty and others Vs. Madhusudan Hiralal Malu and another)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Siddhartha R. Ronghe for Applicants.

Mr. Nikhil Patil i/b. Mr. Prabhakar M. Jadhav for Respondents.

CORAM : R. G. KETKAR, J.**DATE : 15TH DECEMBER, 2016****P.C.:**

Not on Board. At the request of Mr. Ronghe, taken up in the production board.

2. Heard Mr. Ronghe, learned Counsel for applicants and Mr. Patil, learned Counsel for respondents.

3. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicants, hereinafter referred to as 'defendants', have challenged the judgment and order dated 07.05.2016 passed by the learned Joint Civil Judge, Senior Division, Pune in Special Civil Suit No.371 of 2015. By that order, the learned trial Judge held that Civil Court has no jurisdiction to entertain and try the Suit and ordered return of the plaint to the plaintiffs for presentation before the Small Causes Court,

Pune. By the impugned order, the learned trial Judge has ordered return of plaint which is appealable under Order 43, Rule 1(a) of C.P.C. Hence, C.R.A. is dismissed as non-maintainable reserving liberty to the defendants to file appeal under Order 43, Rule 1(a) of C.P.C. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)

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