

JPP

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

WRIT PETITION NO. 9209 OF 2012

Mr. Girish Shankar Bankar & Ors. ...Petitioners.

V/s.

Mrs. Bhagirathi Marutrao Dedge & Ors. ... Respondents.

Mr. Santaram Tarale i/b. P.G. Chavan for the Petitioners.

Ms. Sheetal Thakur i/b. Vikram Chavan for Respondents 1 to 3.

CORAM : N.M. Jamdar, J.

14 September, 2016.

Oral Order :-

By this Petition, the Petitioners challenge the order dated 29 June 2012 wherein the learned Civil Judge has rejected an application taken out by the Petitioners under Order 7 Rule 11 of the Code of Civil Procedure taking objection to the valuation, and some other objections. Issue however was framed as regard valuation which has been held against the Petitioners – Defendants. After the order was passed on 29 June 2012, the Petition has been filed on 5 September 2012. Perusal of the farad-sheet shows that the Petition

has remained pending for four years at the stage of admission for various procedural compliances. Time is also sought whenever the matter is appeared on board. Today request is made on behalf of the Petitioner to seek time. The order is passed four years back. There is no stay to the suit operating in this Writ Petition.

2. In the circumstances, it will be appropriate that instead of examining the challenge at this belated stage, that challenge is kept open to be considered at appellate proceedings. If the outcome of the trial is against the Defendant, it will be open to the Respondent to challenge the impugned order, in the Appeal or by way of cross objection, if that eventuality arise. Keeping all contentions of the parties open in this regard, the Writ Petition is disposed of.

(N.M. Jamdar, J.)