

Sequeira

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

*CIVIL APPLICATION NO. 636 OF 2016
Alongwith
CIVIL REVISION APPLICATION NO. 343 OF 2015*

Mukund Puranik

.. Applicant

Vs

Hitesh Kaushal

.. Respondent

Mr.R.Peermohideen i/b Bhoja Poojari, for the Applicant.
None for the Respondent.

*CORAM : N.M.Jamdar, J.
Friday, 30 September 2016.*

P.C. :

Civil Application is taken out in respect of service upon the Respondent in Civil Revision Application.

2. By the impugned order passed in Civil Revision Application on 16 March 2015 learned Civil Judge Junior Division Thane, has disposed of the application filed by the Applicant under Order VII Rule 11(b), (c), (d) and under Order VII Rule 11(a) and Order X and Order XII, Rule 6, and Order VIII, Rule 2 of the Code of Civil Procedure

3. The learned Civil Judge has come to the conclusion that the valuation made by the Respondent-Plaintiff is incorrect and the

Plaintiff was directed to value the suit and pay the deficit Court fees. The learned Civil Judge has provided that in case the Plaintiff fails to apply for amendment within 30 days and fails to pay deficit Court fees within 15 days then plaint will stand rejected. As regards other objections raised by the Petitioner-Applicant were not accepted.

4. It is informed that the Plaintiff has not paid the Court fee as directed within the stipulated period and consequence of the order has ensued whereby the plaint stands rejected. Therefore, as on date it is not necessary to consider the other grounds raised by the Applicant as the suit itself is not pending on the file of the learned Civil Judge. The Civil Revision is accordingly disposed of. In case the suit is restored then liberty to the Applicant to revive the present Revision Application. In case fresh suit is filed, then liberty to the Applicant to take out an application under Order VII rule 11 in that suit on the grounds which are taken up in this application. Once if such applications are taken out, they will be considered on their own merits uninfluenced by the impugned order passed in this Revision Application. Civil Revision Application and the Civil Application are disposed of with this liberty.

(N.M.Jamdar, J.)