

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Revision Application No.99 of 2015

(Madanlal Rameshwarlalji Gajbi [dead] through Legal Heirs
 vs.
 Ghanshyam Gokulchand Gajbi)

=====

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

=====

Court's or Judge's Orders

Shri N.S. Deshpande, Advocate for the Applicant.
 Shri P.K. Mishra, Advocate for the Non-Applicant.

CORAM : R.K. DESHPANDE, J.

DATE : 4th APRIL, 2016.

The learned Counsel appearing for the applicant has referred to the provisions of Order XXIII Rule 3-A of the Code of Civil Procedure read with Sections 21(2), 22E and 24 of the Legal Services Authorities Act, 1987 to urge that the suit in question challenging the compromise decree passed by the Lok-Adalat is not maintainable. The suit is filed on the ground that the decree has been obtained by practicing fraud. All these aspects will have to be gone into by the Trial Court after framing the issue and permitting the parties to lead evidence on the aspect of the matter.

Hence, the applicant is permitted to withdraw this civil revision application with liberty to raise all these points before the trial Court and in the event, if the decision goes against him, he will be at liberty to file appeal in accordance with law.

The civil revision application is disposed of as withdrawn with liberty as aforesaid.

JUDGE