

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

CIVIL REVISION APPLICATION NO.58/2016

Shri Ramchandra S/o Devidas Talreja and another

..Vs..

Kiran Wd/o Chunnilal Talreja and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 27.9.2016.

Heard Shri A.S. Kilor, Advocate for the applicants/original defendants.

The defendants had filed an application (Exh. No.56) under Order 7 Rule 11 of the Code of Civil Procedure contending that the prayers made by the plaintiffs in the civil suit cannot be granted and the suit is not maintainable as the dispute between the parties is already resolved by the award passed by Arbitrator on 2nd December, 2009. This application was rejected by the trial Court by order dated 29th March, 2016.

The defendants then filed the present application (Exh. No.68) under Section 151 of the Code of Civil Procedure reiterating the same contentions and praying that the suit be dismissed. The learned trial Judge has rejected the application (Exh. No.68) by the impugned order observing that the application (Exh. No.68) cannot be entertained as the similar application (Exh. No.56) filed by the defendants is rejected earlier.

The order passed by the learned trial Judge is

proper and it cannot be said that there is any illegality or error in exercise of jurisdiction. The civil revision application is **dismissed**. No costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 27.9.2016.