

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.257 OF 2016

Anil Arjandas Ballani ... Applicant
Vs.
Rajni Amarlal Ramrakhiani and others ... Respondents

Mr. P. R. Arjunwadkar i/b. Mr. Hemant Patil for Applicant.
Mr. Sugandh Deshmukh i/b. Mr. Gansham Ramchandani for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 01, 2017

P.C. :

Heard Mr. Arjunwadkar, learned Counsel for applicant and Mr. Deshmukh, learned Counsel for respondent No.1 at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicant, hereinafter referred to as 'defendant No.1', has challenged the judgment and order dated 28.01.2016 passed by the learned Joint Civil Judge, Senior Division, Kalyan below exhibit-57 in Special Civil Suit No.386 of 2013. By that order, the learned trial Judge rejected the application made by the defendant No.1 under Order VII, Rule 11 of the C.P.C. for rejection of the plaint.

3. After arguing the Application for quite some time, Mr. Arjunwadkar states that defendant No.1 will not press this Application if it is clarified that the learned trial Judge will decide the Suit on the basis of evidence on record and on its own merits, in accordance with law. He further submitted that all contentions of the parties may be expressly kept open.

4. In view thereof, Application is disposed of as not pressed. It is clarified that the learned trial Judge will decide the Suit on the basis of evidence on record and on its own merits, in accordance with law. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab