

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CIVIL APPLICATION NO. 2222 OF 2017  
IN  
FIRST APPEAL (ST) NO. 8948 OF 2017**

|                                 |               |
|---------------------------------|---------------|
| Jaspal Singh Pratap Singh Kohli | ...Applicant  |
| <i>Versus</i>                   |               |
| Arvinder Pal Ahuja              | ...Respondent |

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**Mr Mayur Khandeparkar**, *a/w Piyush R, ZA Jarimala & Ganesh  
Ambekar, i/b M/s Thakore Jarimala & Asso., for the Applicant.*  
**Mr Rompal Singh Kohli**, *i/b CK Legal, for Respondents Nos.2 & 3.*

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**CORAM: G.S. PATEL, J**  
**DATED: 28th November 2017**

**PC:-**

1. The Civil Application seeks review of my order of 14th June 2017 when, for reasons set out in that order, I granted Arvinder Pal Ahuja, the Respondent to the Civil Application, leave to file an appeal. I noted that the proposed Appellant was not a party to the suit. I traced briefly the background of the matter. The Applicant seeking leave was a nephew and a legatee of one Harbans Kaur.

2. In the present Civil Application it is argued by Mr Kohli that at the time when leave was granted he was not heard. The argument begs

the question. The order of 14th June 2017 does not determine any rights. It merely grants leave to appeal. It is not an order of admission of that appeal. The present Applicant will undoubtedly be served and fully heard at the time when Ahuja files his appeal and when it is taken up for admission, and even on the application for condonation of delay, which I am told is pending. The question of whether leave ought to have been granted to file an appeal, was, in my view a matter between the Applicant there and the Court. The present Applicant Kohli is in no way prejudiced and none of his rights or contentions are foreclosed. Indeed, all contentions have been kept open.

3. There is no ground for review made out in the Civil Application. The Civil Application is dismissed. There will be no order as to costs.

**(G. S. PATEL, J.)**