

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

CIVIL REVISION APPLICATION NO.518 OF 2017

Shri Haribhau Trimbak Jadhav

...Applicant

vs.

Shri Dilip Ranganathrao Kaiche & Ors.

...Respondents

Mr. Girish R. Agrawal for the Applicant.

Mr. Anilkumar Patil for Respondent Nos.1 to 8.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 4th October, 2017

P.C.:

. Heard learned counsel for the respective parties. Rule. Learned counsel for Respondent Nos.1 to 8 waives service. Rule made returnable forthwith with the consent of the parties.

2. The Applicant herein happens to be the original Defendant in Regular Civil Suit No.218/2014. It appears that initially the Defendant had filed an application under Order 7 Rule 11 of CPC. The said application was rejected on merits. Thereafter, the defendant has also filed an application under section 9A of CPC seeking relief of rejection of plaint. In view of bar under section 79(1) and 80 of the Bombay Public Trust Act, 1950 the said Application is rejected by an order dated 14/6/2017. Hence, this Civil Revision Application.

3. The learned counsel for the Applicant submits that the learned Trial Court has heard the Applicant and the matter is placed for orders on 5/10/2017. It is apparent from the record that Application is filed at a premature stage only apprehending that the Learned Trial Judge may not consider the issues raised by the Defendants. Hence, the Application being

sans merit, deserves to be rejected. It is made clear that all the contentions of the parties are kept open. Office to communicate this order to the concerned court forthwith.

(SMT. SADHANA S. JADHAV, J.)