

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1490 OF 2018

ABHINIT ASHOKRAO RUMNE
VERSUS
SATYABHAMA VAISHALI VILAS BACHTE AND OTHERS

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Advocate for Petitioner : Shri Deshpande C.R.
Advocates amicus curiae : Shri Advant S.V. and
Smt.Thube Patil M.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 26, 2018

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PER COURT :-

1. This matter is considered on the aspect of whether a Writ Petition would lie or a Civil Revision Application would lie when an application seeking rejection of a plaint under Order VII Rule 11 of the Civil Procedure Code (CPC), has been rejected.

2. Learned Advocates Shri Advant and Smt. Mhase-Thube Patil have rendered assistance in this matter. Reliance is placed on the judgment of the learned Division Bench of this Court in the matter of Hardikar's New Shorthand and Typewriting Institute Vs. Pramila Narhari Paranjape and others [2013 (2) Mh. L.J. 644]. It is contended that the situation would be slightly different if such order of rejection of the application seeking rejection of the plaint was sought under the Letters Patent Act. When an

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application seeking rejection of the plaint is rejected by the trial Court, under CPC, a Civil Revision Application would be maintained.

3. Learned counsel for the petitioner submits on instructions, that he would prefer to avail of the remedy as is prescribed by filing a Civil Revision Application and this petition can be disposed off.

4. Considering the above, this petition is disposed off as withdrawn with liberty as prayed for. The time spent by the petitioner in this Court from 27.10.2017 till the passing of this order shall be a good ground for seeking condonation of delay, if any.

(RAVINDRA V. GHUGE, J.)

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