

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.178 OF 2018

Prakash Wamanrao Deshmukh	 Applicant
V/s.	
Emerald Acres Pvt. Ltd., Mumbai & Ors.	 Respondents

Mr. Drupad S. Patil for the Applicant.

None for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 16TH APRIL, 2018.

P.C. :

1. Heard Mr. Patil, learned counsel for the Applicant.

2. This Revision Application is preferred against the order dated 11th October 2017, passed by the 10th Joint Civil Judge, Senior Division, Pune, thereby rejecting the application at "Exhibit-24" in Special Civil Suit No.1402 of 2016, filed by the Applicant-Original Defendant No.1 under Order 7 Rule 11 of the Civil Procedure Code, 1908, for rejection of the plaint on the ground that, statement of value of subject matter for the purpose of jurisdiction and Court Fees has not been given in the plaint, as contemplated by Order 7 Rule 1(i) of CPC and also on the ground that the Suit is barred by Law of Limitation.

3. As the findings recorded by the Trial Court are only on the basis of the averments made in the plaint, the application being under Order 7 Rule 11 of CPC, it is needless to state that, those findings may not come in the way of the Applicant at the time of final hearing of the Suit.

4. Hence, without disturbing the impugned order passed by the Trial Court, it is made clear that, both the issues of limitation and payment of Court Fees are kept open, to be decided by the Trial Court at the time of final hearing of the Suit in accordance with law.

5. Revision Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]