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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.230 OF 2015

Vithoba N. Sanap	...Applicant
V/s.	
Sanjay B. Sanap & Ors.	...Respondents

Mr.Rohit Joshi for the Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 27TH AUGUST, 2018

P.C. :-

1. By this civil revision application filed under section 115 of the Code of Civil Procedure, 1908, the applicant has impugned the order dated 24th February, 2015 passed by the learned Joint Civil Judge, Junior Division, Roha, Raigad in the application filed by the petitioner below Exhibit – 20 under Order VII Rule 11 read with Order IV Rule 1 sub-rule 2 and 3 of the Code of Civil Procedure, 1908 on two grounds i.e. (i) that the suit property is not properly described by the plaintiff and (ii) on the ground that the suit is barred by *res-judicata*.

2. A perusal of the plaint to which my attention is invited by the learned counsel for the applicant clearly indicates that the plaintiff has described the suit property. Learned Joint Civil Judge, Junior

Division while considering this issue in paragraphs 3 to 7 of the impugned order has rendered a finding that the plaintiff has described the suit property correctly.

3. Insofar as the issue of *res-judicata* is concerned, the said issue is dealt with in paragraph 13 of the impugned order. On both these issues, the learned trial Judge has rightly recorded various findings of fact and has rejected both the issues.

4. If according to the applicant, the applicant is not concerned with the suit property, the said issue having been already raised in the written statement by the defendant, the trial Court can consider the said issue by framing specific issue in that regard.

5. The civil revision application in my view, is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)