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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.304 OF 2017

Rafikkhan Gafurkhan	...Applicant
V/s.	
Shakirkhan Gafurkhan & Ors.	...Respondents

Mr.Darryl Barretto for the Applicant.

Mr.Rajendra Rathod for the Respondent No.2.

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

P.C. :-

1. By consent of parties, the impugned order dated 7th February, 2017 passed by the learned 7th Civil Judge, Junior Division, Pune below Exhibit – 20 is set aside. The application filed by the applicant (original defendant) under Order 7 Rule 11(d) and (c) of the Code of Civil Procedure, 1908 is restored to file.

2. Learned trial Court shall proceed with the matter afresh in accordance with law without being influenced by the observations made and the conclusion drawn in the impugned order dated 7th February, 2017. Learned trial Court shall also consider whether the suit is required to be valued on the basis of the market price on the date of filing of the suit or not and whether the order of conversion of any part of the suit land from agriculture purpose to non-agriculture

purposes will have any bearing on the valuation of the suit or not.

3. The Civil Revision Application is allowed in aforesaid terms. There shall be no order as to costs. Both the parties will have an opportunity to make their rival contentions on the issue of conversion before the learned trial Court.

(R.D. DHANUKA, J.)