

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

CIVIL REVISION APPLICATION No. 529 OF 2016

Mrs. Pallavi Shardul Soman & Anr. ...Applicants

Versus

Mrs.Vinaya Vishwas Mahajan &Ors. ...Respondents

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Mr. Kuldeep U.Nikam for the Applicants.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 02, 2018**

P.C. :

1. This Civil Revision Application is directed against the order dated 28th October, 2015 passed by the learned 25th Joint Civil Judge, J.D., Pune thereby rejecting the application below exhibit 123 in Regular Civil Suit No. 1324 of 2011.

2. Respondent no.1, who is the original plaintiff, has filed a suit for partition, declaration and injunction in respect of the suit property. The defendants have moved an application for dismissing the suit, as it is bad in law and not maintainable under Order 7 Rule 11 of the Code of Civil Procedure, 1908. Secondly, on the ground that necessary parties are not in the array of the

defendants so also all the properties are not mentioned, as it is the suit for partition.

3. It appears that the learned Judge of the trial Court framed the preliminary issues and gave finding only on the ground of valuation and sufficiently stamped.

4. In view of the Maharashtra Ordinance No. XVIII of 2018 dated 27th June, 2018, saving clause 3 (2) and proviso thereto, this Civil Revision Application abates. The trial Court to proceed.

5. Pursuant to the Ordinance, if there is no enactment, then the learned Counsel for the applicants is given liberty to recall this order.

6. Accordingly, the Civil Revision Application is disposed of as abated.

(MRIDULA BHATKAR, J.)