

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

CIVIL REVISION APPLICATION NO. 953 OF 2012

Suhas Balkrishna Latne & Ors.	...	Applicants
V/s.		
Smt.Sanjivani Narsgonda Patil & Ors.	...	Respondents

Mr.G.N. Salunke for the Applicants.
Mr.Prajakt M. Arjunwadkar for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th JANUARY, 2018.

P.C. :

1] Heard learned counsel for the Applicants and the Respondents.

2] By this Civil Revision Application filed under Article 227 of the Constitution of India, the Applicants are challenging the order dated 11th July, 2012, passed by the trial Court holding that, the issue of *res-judicata* is a mixed question of fact and law.

3] Learned counsel for the Respondents points out that now the trial Court has mostly completed the hearing of the suit, the

evidence of the parties is recorded, both parties have filed their written notes of arguments and therefore, it is, as good as, at the stage of judgment.

4] In view thereof, it is needless to state that the trial Court is going to decide the issue of *res-judicata* afresh in its judgment. Therefore, this Civil Revision Application, as such, has become infructuous, hence stands disposed of, with a clarification that the issue of *res-judicata* is kept open to be decided by the trial Court at the time of judgment.

5] It is clarified that, this Court has not entered into the merits and demerits of the matter and the observations made, in the above, are only for deciding this order.

[DR.SHALINI PHANSALKAR-JOSHI, J.]