

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil revision Application No. 82 of 2017
[Sumit Deepak Nilawar & another Vs. Pundlik D. Wankhede & others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. B. G. Kulkarni, Adv., for the applicants.
 Mr. H. I. Kothari, Adv., for non-applicant no.1.
 Mr. Ansari, Adv., for respondent no.9.

CORAM : A. S. CHANDURKAR, J.

DATE : 06th February, 2018

The applicants who are defendant nos. 2 and 3 in the suit filed by the non-applicant no.1 seeking a declaration that the Power of Attorney executed by defendant no.4 in favour of defendant no.2 was null and void along with a further declaration based on that Power of Attorney have challenged the order passed by the trial Court rejecting the application filed under provisions of Order-VII, Rule 11 (d) of the Code of Civil Procedure, 1908.

After hearing respective counsel and after perusing the averments in the plaint and in the light of judgment of the Hon'ble Supreme Court in **Margret Almeida & others Vs. Bombay Catholic Co-operative Housing Society Ltd. and others** [(2012) 5 SCC 642], I do not find that the trial Court committed

an error in rejecting the application below Exh.34. The prayers as made in the plaint are such, that can be considered by the Civil Court and not by the Co-operative Court.

Civil Revision Application is, therefore, rejected.

As the applicants were pursuing the aforesaid remedy, they are at liberty to file their Written Statements within a period of four weeks from today.

Judge

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