

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.447 OF 2018

Rashna Shajinath Nair	...	Applicant
Versus		
Nilima Mukharjee w/o.		
Akshay Kumar Mukharjee & Anr.	...	Respondents

Mr.Saurabh Oka, Advocate for the Applicant.

Mr.Satyakumar M. Shettigar, Advocate for the Respondent No.1.

CORAM : A.M.BADAR J.

DATED : 7th NOVEMBER 2019.

P.C. :

1 This is the petition by the defendant No.1, whose
prayer for rejection of plaint moved as per provisions of Order VII
Rule 11(d) of the Code of Civil Procedure came to be rejected by
the learned trial Court.

2 Heard the learned Counsel for the petitioner/
defendant No.1. He argued that in view of provisions of Section
383 of the Indian Successions Act, 1925, the plaintiff ought to
have moved necessary application for revocation of the Heir-ship
Certificate and in view of the provisions of Section 383 of the
Indian Successions Act, 1925 jurisdiction of the Civil Court is

impliedly barred and, as such, the learned trial Court was in error for rejecting the application for rejection of the plaint.

3 I have considered the submissions so advanced and also perused the impugned Order as well as prayer made by the plaintiff in the suit.

4 The relief claimed in the suit is not restricted to revocation of the Certificate, but other reliefs are also claimed by filing the plaint by the plaintiff. As such, no error can be found in the impugned Order. The learned trial Court has exercised its jurisdiction according to law.

5 The petition is devoid of merit and the same, therefore, is dismissed.

(A.M.BADAR, J.)