

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 123 OF 2017

Anandibai D. Mundhe and ors. .. Applicants
vs.
Narayan S. Mundhe and ors. .. Respondents

Mr. Saurabh Oka for the Applicants.
Mr. K.P. Mali for Respondent Nos.1 to 4.

CORAM : M. S. SONAK, J.
DATE : 9 APRIL 2019.

P.C. :-

- 1] Heard learned counsel for the parties.
- 2] Taking into consideration the view taken by the learned Trial Judge, this is not a fit case for exercise of revisional jurisdiction under section 115 of CPC. This is more so because defendant Nos.5 to 7 are the legal representatives of defendant No.4. Besides, the relief of partition is applied for only against defendant Nos.1 to 3 and as against remaining defendants, declaration, injunction and cancellation of instruments have been applied for.
- 3] Accordingly, this Civil Revision Application is dismissed. However, it is made clear that this dismissal will not preclude the applicants from challenging the impugned

order, if and when occasion arises, by resort to the provisions of section 105 of the CPC.

4] Civil Revision Application is accordingly, dismissed with liberty as aforesaid.

(M. S. SONAK, J.)