

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL REVISION APPLICATION NO. 41/2019

Sudhir S. Joshi
..VS..
Shradha S. Joshi & anr.

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

Court's or Judge's orders

Shri R.M. Vaidya, Adv h/f Shri A. Parchure, Adv for the applicant(s)
Shri A.S. Shukla, Advocate for the non-applicants

CORAM : Z.A.HAQ, J.
DATED : 30/08/2019

Heard.

By this revision application, the defendant no. 1 has challenged the order passed by the trial Court by which the application (Exh. 23) filed by him under Order 7 Rule 11 of the Code of Civil Procedure is dismissed. By the application (Exh. 23), the defendant no. 1 contended that the plaintiffs have under valued their claim and have not paid proper Court fees, and therefore the plaint is liable to be rejected. After the defendant no. 1 filed the application (Exh. 23), the plaintiffs had filed an application (Exh. 36) seeking permission to amend the plaint by deleting some portion of the relief and that application (Exh. 36) is allowed by the trial Court. The order passed by the trial Court permitting the plaintiffs to amend the plaint was challenged before this Court in Writ Petition No. 2137/2019 which is decided today itself and the order passed by the trial Court permitting the plaintiffs to amend the plaint is maintained. In view of deletion of part of the relief in the plaint by the plaintiffs, nothing survives for adjudication on the application (Exh. 23).

Hence, the Civil Revision Application is **dismissed**.
In the circumstances, the parties to bear their own costs.

JUDGE

Ansari