

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

CIVIL REVISION APPLICATION NO.58 OF 2018

(DIWAKAR YADAVRAO BODADE....VS.. PANDURANG BAPURAO RAUT & ANR.)

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

Court's or Judge's orders

Shri Rahul Dharmadhikari, Advocate for Applicant.
 Shri C.A.Babrekar, Advocate for Non-applicants.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 03, 2019.

Heard.

In the civil suit filed by the non-applicants against the applicant, seeking decree for permanent injunction restraining the applicant/defendant from entering upon the suit field, the applicant/defendant had filed an application (Exh.14) under Order VII Rule 11 read with Section 9A of the Code of Civil Procedure, contending that the plaintiffs had already challenged the order passed by the Mamalatdar under Section 5 of the Mamalatdar's Courts Act, 1906 in revision and now it is not open for the plaintiffs to challenge those orders in the civil suit. This application is dismissed by the impugned order.

The issue is already decided by this Court in the case of *Vasudev Pandharinath Raikar and others Vs. Manoj Mohan Dalvi and others*, reported in **2018(4) Mh.L.J. 927**. The impugned order is in consonance with the judgment given by this Court in the above referred case. Hence, I see no reason to interfere with the impugned order.

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

JUDGE

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