

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

CIVIL REVISION APPLICATION NO.65 OF 2019

(MANIKRAO NARAYANRAO DUKRE...VS.. SAU REKHA MANOHAR BHALERAU.)

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

Court's or Judge's orders

Shri S.O.Ahmed, Advocate for Applicant.
Shri R.S.Kalangiware, Advocate for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 20, 2019.

Heard.

The Applicant (defendant) had filed application (Exh.33) under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure seeking rejection of the plaint filed by the non-applicant on the ground that the claim of the plaintiff is barred by limitation and the plaintiff has not valued her claim properly and it is undervalued.

On going through the impugned order, I find that the learned trial Judge has observed that point of limitation is mixed question of law and fact and has left the issue open for consideration at appropriate stage.

I further find that the contention of the Applicant/ defendant that the plaint is liable to be rejected on the ground that the plaintiff has not valued her claim properly, is also premature inasmuch as there is no order by the trial Court holding that the claim of the plaintiff is undervalued and the plaintiff is required to pay additional court fees.

In view of the above, learned Advocate for the applicant, on instructions, seeks permission to withdraw the revision application with liberty to agitate the ground at appropriate stage.

The revision application is **disposed** as withdrawn with liberty as prayed for.

JUDGE

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