

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL REVISION APPLICATION NO.44 OF 2016

(Smt. Kalyani wd/o Suresh Khandal and others ..vs.. Wasudeo s/o Nathu Ingale and others)

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

Court's or Judge's orders

Mrs. M.N. Hiwase, Counsel for the applicants,
Shri N.G. Jetha, Counsel for respondents 1,2,3(a) to 3(c), 4 to 7.

CORAM : ROHIT B. DEO, J.

DATED : 10-04-2019

The defendants are aggrieved by the order dated 02-4-2016 in Regular Civil Suit 17/2014 rendered by the Civil Judge (Junior Division), Bhiwapur, by and under which the application preferred by the defendants under Order VII Rule 11 of the Civil Procedure Code is rejected.

2. Shri N.G. Jetha, learned Counsel for the plaintiffs states that the suit is fixed for evidence and the plaintiffs have closed their evidence.

3. In this view of the matter, the learned Counsel for the applicants seeks to withdraw the civil revision application with liberty to raise the grounds at the stage of final hearing. I have perused the grounds on which the rejection of the plaint is sought. The objections would have to be decided by the trial Court after the evidence is recorded.

4. The applicants are permitted to withdraw the civil

revision application with liberty as prayed. The objections raised in the application Under Order VII Rule 11 of the Civil Procedure Code shall be considered by the trial Court on its merits without being influenced by any observation made in the order impugned.

5. The civil revision application is disposed of accordingly.

JUDGE

adgokar