

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL REVISION APPLICATION NO.44 OF 2021**

Pramod Shantilal Shah .. Applicant
Versus
Abhay Wadilal Shah & Ors. .. Respondents

...

Mr.Prathamesh Bhargude for the Applicant.

...

**CORAM: BHARATI DANGRE, J.
DATED : 26th NOVEMBER, 2021**

P.C:-

1. The applicant/defendant No.1 in R.C.S. No.529 of 2019, has taken out an application vide Exh.26, seeking rejection of plaint on the ground that it is barred by law. In the said application, he also sought issuance of notice and fixing of a date. Accordingly, the order came to be passed on his application fixing a date and issuance of notice to the plaintiff and defendant Nos.2 and 3. The said application is still pending before the learned Civil Judge, Senior Division, Karad.

In the Civil Revision Application, the applicant has assailed an order passed by the learned Judge on an application filed by defendant Nos.2 and 3, seeking rejection of plaint. The submission is that the applicant, who is defendant No.1, also sought rejection of plaint on the similar ground and, therefore, his application is presumed to be rejected.

2. I do not think that the learned counsel is correct in advancing such a submission. The cause of action for the applicant to file a Civil Revision Application must emanate from being aggrieved by any order and as far as his application is concerned, since it is pending and, particularly when defendant Nos.2 and 3, on rejection of their application have preferred to remain quiet and did not assail the same, the applicant cannot be permitted to pose a challenge to the order passed on their application. In such circumstances, the application being premature, cannot be entertained. The applicant will get a cause of action only when some orders are passed on his application vide Exh.26.

The Civil Revision Application stands dismissed.

(SMT. BHARATI DANGRE, J.)