

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.34 OF 2020
IN
CIVIL REVISION APPLICATION (ST.) NO.10693 OF 2019**

Sou. Shobha Shivaji Kare & Ors. Applicants

Vs.

Shri. Harshavardhan Shahajirao Patil Respondents
& Ors.

Mr. Jaydeep Deo for Applicants.

Mr. Suraj Bansode a/w Mr. Sohil Gulabani i/by Ajit Kenjale for
Respondent Nos. 1 and 2.

Coram : NITIN W. SAMBRE, J.

Date : 12TH FEBRUARY, 2021

P.C.:

1. For the reasons cited in the application, the same is
allowed. The delay is condoned.

2. The Respondents-plaintiffs initiated suit for fixation of
boundaries and demarcation. In the said suit being Regular Civil Suit
No. 387 of 2016, an application, Exhibit 34 under the provisions of

Order VII, Rule 11(D) of Code of Civil Procedure came to be moved based on the provisions of the Bombay Revenue Jurisdiction Act, 1876 for rejection of the plaint.

3 Vide order impugned dated 21st November, 2018, said prayer of the Petitioner came to be rejected. As such, this petition.

4 While inviting attention of this Court to the provisions of Section 11 of the Bombay Revenue Jurisdiction Act, 1876 read with Maharashtra Land Revenue Code, the submissions are, the Petitioner must avail the remedies provided under the aforesaid Act and Maharashtra Land Revenue Code, without which the suit is not maintainable.

5 Learned counsel as such submits that this has been liable to be rejected by relegating the Petitioner to the Revenue authorities.

6 Counsel for the Respondents-Plaintiffs supported the order impugned.

7. I have perused the plaint and prayers made therein.

8. It is not the case of the Respondents-Plaintiffs that they are questioning any of the orders of the Revenue authorities in the suit, rather they are claiming that the order be executed as the Petitioner has failed.

9 In that view of the matter, the reliance placed on the provisions of Section 11 of the aforesaid Act is only mis-placed.

10 No case for interference is made out. Petition fails.
Dismissed.

11 In view of dismissal of the Civil Application, pending Interim Application does not survive, the same is accordingly disposed of.

(NITIN W. SAMBRE, J.)