

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

Civil Revision Application (CRA) No. 18 of 2021

Smt. Rekha wd/o Narayan Jadhav and others Vs. Jijabai w/o Rangnath Jadhav
and others

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

Court's or Judge's orders

Mr. P.J. Mehta, Advocate for the applicants

CORAM : MANISH PITALE, J.

DATED : JUNE 17, 2021

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicants.

3. By this Revision Application, the applicants have challenged order dated 03/03/2020, passed by the Court of Civil Judge (Senior Division), Achalpur, whereby an application filed by the applicants for rejection of plaint under Order VII Rule 11 of the Civil Procedure Code has been rejected.

4. In the present case, the respondent No.1 (original plaintiff) has filed suit against the applicants claiming that a direction be issued for release of 1/4th share in all the financial benefits payable to deceased Narayan Rangnath Jadhav. The respondent No.1 has

stated that the deceased was her son and that she is also entitled to share in such financial benefits. The applicants are widow and children of said deceased person.

5. In the said suit, the applicants filed an application claiming that the suit was liable to be dismissed as the relief claimed by the respondent No.1 could be entertained only by the appropriate Tribunal under the provisions of the Administrative Tribunals Act, 1985.

6. In the impugned order, the Court below has properly taken into consideration the scope and jurisdiction of the Tribunal under the provisions of the said Act with specific reference to Section 3(q), pertaining to service matters.

7. This Court is in agreement with the view expressed by the Court below in the impugned order while dismissing an application for rejection of plaint filed on behalf of the applicants.

8. In view of the above, it is found that there is no merit in the present Civil Revision Application and accordingly it is dismissed.

JUDGE