

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

**CIVIL APPLICATION NO. 11 OF 2022
IN
REJECTED CASE NO. 1286 OF 2018**

Jayashree Amar Panjwani ...Appellant
Versus
Prakash Gulabmal Sundrani & Ors. ...Respondents

**WITH
CIVIL APPLICATION NO. 12 OF 2022
IN
REJECTED CASE NO. 1286 OF 2018**

Jayashree Amar Panjwani ...Appellant
Versus
Prakash Gulabmal Sundrani & Ors. ...Respondents

Mr. Sukand R. Kulkarni for the appellant.

CORAM : NITIN W. SAMBRE, J.

DATED : 11th NOVEMBER, 2022

P.C.:

1. For the reasons disclosed in the applications, both the civil applications are allowed by condoning the delay.
2. The revision stood restored to the file.
3. It appears that the respondents/plaintiffs initiated on or about 12/05/2009 suit for injunction to the RCS No. 376 of 2009 on the file of Civil Judge, Senior Division, Kolhapur whereas the another suit in relation to very same property as regards setting

aside sale deed dated 01/08/2007 was initiated on or about 28/01/2010 on the file of the very same Court.

4. Alleging that the relief of setting aside of the sale deed claimed in the earlier suit of 2009, the application under Order 7 Rule 11(d) came to be moved by the petitioner/defendant which rejected by the impugned order.

5. The fact remains that the sale deed of 2007 was in existence in relation to the suit property which is the subject matter of the suit which was initiated prior in point of time i.e. RCS No. 376 of 2009.

6. In view of above, issue notice to the respondents, returnable on 13/01/2023.

7. In addition to Court notice, appellant is at liberty to serve the respondents by private notice through registered AD/Speed Post and file affidavit of service before the returnable date.

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(NITIN W. SAMBRE, J.)