

SA Pathan

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

CIVIL REVISION APPLICATION NO.514 OF 2018

Dagdu Rahu Kumbhar (Since Deceased)

Through Legal Representatives

... Applicants

V/s.

Balku Dagdu Kumbahr & Ors

... Respondents

SHABNOOR
AYUB
PATHAN
Digitally signed by
SHABNOOR
AYUB PATHAN
Date: 2023.10.04
12:25:28 +0530

Mr. Priyal G. Sarda, for the applicants.

Ms. Rupal Shrimal and Mr. N. S. Moily i/by K. P. Tiwari
& Co., for respondent Nos.1 to 4.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2023

P.C.:

1. By the impugned order the application/original defendant is challenging the order dated 9 June 2017 passed by the Civil Judge, Junior Division, Panhala below Exhibit 14 in Regular Civil Suit No.139 of 2016.

2. On perusal of the averments in the plaint and specifically mentioned in paragraph 2, it appears that the plaintiff is enforcing his civil rights. The claim of the plaintiff is based on his rights derived from ancestral property. Though, the declaration of revenue entries is sought in the plaint, the relief of injunction is based on the averments in paragraph 2. Therefore, entire suit and

in particular paragraph 2, cannot be said to be barred by Section 158 of the Maharashtra Land Revenue Code, 1966. Therefore, there is no error committed by the Trial Court while rejecting the application.

3. The civil revision application is, therefore, dismissed. No costs.

4. Ad-interim relief granted earlier to continue for two weeks from today.

(AMIT BORKAR, J.)