



Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.626 OF 2023
A/W
INTERIM APPLICATION NO.12717 OF 2023
IN
FIRST APPEAL NO.626 OF 2023

Tegbahadur Singh through His Constituted	]	
Attorney Mr. Sunil Tegbahadur Singh	]	Appellant
vs.		
Sureshkumar Chandmal Vageria and another	]	Respondents

.....

Mr. Atul Damle, Senior Advocate holding for Mr. Vijay Mishra, for Appellant.

Mr. S.R. Mishra, for Respondent No.1.

Mr. Yatin Malvankar a/w Mr. Kuldeep Singh, Mr. Pankaj Mishra i/b Mr. Gurubala Birajdar, for Respondent No.2.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 8th September, 2023.

P.C.

1. Heard learned Counsel for the parties.

2. While rejecting an application under Order-7, Rule- 11 of the Code of Civil Procedure, 1908 (for short "C.P.C"), learned Judge has unnecessarily entered into the arena of deciding three Notices of Motion simultaneously and disposed of the suit which procedure

is unknown to the law. It appears that the trial Court has almost decided the suit finally on merits without framing issues. Be that as it may.

3. With the consent of the learned Counsel for the parties, said order is quashed and set aside. Parties are relegated to the trial Court with liberty to the appellant to move an application under Order-7, Rule-13 of the C.P.C.

4. The parties shall appear before the trial Court on 3rd October, 2023.

5. The appeal is disposed of in the aforesaid terms.

6. In view of disposal of the appeal, pending applications, if any, stand disposed of.

[PRITHVIRAJ K. CHAVAN, J.]