



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL REVISION APPLICATION NO. 397 OF 2023**

Rajendra Bhagwandas Shah-HUF,  
Through its Karta and Manager

... Applicant.

***Versus***

Praveen Ishwarchand Tyagi and Ors.

... Respondent.

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Mr. Shanay Shah a/w Mr.Darshan R. Mehta and Mr.Aaditya Mapara  
i/by M/s.Dhruve Liladhar & Co. for Applicant.  
Mr.Prakash Shah for the Respondents.

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**CORAM : SHARMILA U. DESHMUKH, J.**  
**DATE : October 30, 2023.**

**P. C. :**

1. In view of the consensus which has been arrived at between the counsel for the parties, it is not necessary for this Court to go into the merits of the matter.

2. Civil Revision Application arose out of the order dated 6<sup>th</sup> May, 2023 allowing the appeal filed by the Respondent for quashing of the order of the trial Court dated 22<sup>nd</sup> December, 2022. The issue which was presented for consideration before this Court was whether under the provisions of Order 39 Rule 10 of the Code of Civil Procedure, 1908, the trial Court could have passed the order which has now been set aside by the Appellate Court. Both the parties agree

that the submissions in respect of Order 39 Rule 10 of the CPC will be placed for consideration before the Appellate Court.

3. In view of the above, by consensus, the impugned order dated 6<sup>th</sup> May, 2023 is quashed and set aside and the matter is remanded to the Appellate Court to be considered afresh without being influenced by the observations made in the order. The Appellate Court is requested to decide the Appeal expeditiously and in any event on or before 15<sup>th</sup> December, 2023.

4. Parties are at liberty to raise all contentions including submissions on Order 39 Rule 10 of CPC before the Appellate Court.

5. Civil Revision Application stands disposed of in the above terms.

**(Sharmila U. Deshmukh, J.)**