

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

CIVIL REVISION APPLICATION NO. 14 OF 2023

Aniket Mohan Giri and ors __ Vs. __ Sagar Mohan Giri

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

Court's or Judge's orders

Mr. R.J.Shinde, Advocate for the applicants
Ms. A.M.Telange, Advocate for the non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/06/2023

1] Mr. Shinde, learned counsel for the applicants does not press the challenge in so far as the impugned order rejects the application under Order 7 Rule 11(b) of the CPC. The only contention raised is that the suit is barred by Order 2 Rule 2 of CPC, as in an earlier Suit No. 12/2022, it is claimed that the non-applicant has challenged the sale deed dated 15.12.2020 which is also the challenge raised in the present suit.

2] In my considered opinion, the plea is misconceived for the reason that RCS No.40/2021 is a subsequent suit than RCS No. 50/2021 and therefore, the plea of Order 2 Rule 2 of CPC would not be available to the applicants, in relation to RCS No.50/2021, which is a prior suit. The civil revision application is therefore dismissed. No costs.

JUDGE

Rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date:17.06.2023 14:51