

VRJ

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

WRIT PETITION NO.8650 OF 2018

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Date: 2024.12.04
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Prakash Waman Nerurkar & Anr.

... Petitioners

V/s.

Vitthal Shankar Palkar & Ors.

... Respondents

Mr. Utkarsh Desai i/by Mr. Prashant Bhavake for the
petitioners.

Mr. Keshav Patil with Mr. R. N. Kachare for the
respondents.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2024

P.C.:

1. Though the petitioners have challenged two orders, one of order dated 14 July 2017 rejects the plaint. Rejection of the plaint amounts to decree and, therefore, remedy of the petitioners is to file appeal under section 96 of the Civil Procedure Code, 1908. In such appeal, it shall be open for the petitioners to challenge order dated 14 July 2017 rejecting their application under Order I Rule 10 of the Civil Procedure Code, 1908 in exercise of power under section 105 of the Civil Procedure Code, 1908. With this clarification, keeping all contentions raised in the writ petition open to be agitated in the appeal, the writ petition stands disposed of.

2. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)