

VRJ

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

WRIT PETITION NO.12483 OF 2017

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2024.11.27
15:39:00 +0530

Jokhairam Ramcharan Kahar
Through His Power of Attorney
Ramadhar Jokhairam Kahar

... Petitioner

V/s.

Ashok Ramchandra Sawant

... Respondent

Mr. Venkatesh A. Shastry for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 27, 2024

P.C.:

1. The Trial Court, by the impugned order, has rejected the plaint under Order 7 Rule 11 of the Civil Procedure Code, 1908 which has force of a decree, hence, the petitioner has remedy by way of appeal under section 96 of the Civil Procedure Code, 1908. Keeping all contentions raised in the writ petition open to be agitated in the appeal, the writ petition stands disposed of with liberty to the petitioner to file substantive appeal.
2. The period spent in prosecuting present writ petition shall be excluded while counting the delay in filing substantive appeal.
3. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)