

VRJ

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

WRIT PETITION NO.7343 OF 2024

VAIBHAV
RAMESH
JADHAV
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Date: 2024.06.21
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Daniel R. Bhandare

... Petitioner

V/s.

United Church of North India Trust
Association & Ors.

... Respondents

Mr. M. L. Patil for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2024

P.C.:

1. Considering the nature of order impugned in the present writ petition, proviso to section 115 of the Civil Procedure Code, 1908 shall be applicable, hence, the petitioner is permitted to convert the writ petition into civil revision application.
2. Amendment to be carried out forthwith.
3. Learned advocate for the petitioner submits that the person who has instituted the suit had no authority to institute such suit beyond the Trust. For ventilating such grievance, the nature of inquiry required to be carried out cannot be done in exercise of power under Order 7 Rule 11 of the Civil Procedure Code, 1908. Therefore, no fault can be found in the impugned order. However, it will be open for the petitioner to file appropriate application

under appropriate provision for ventilating his right. Keeping his right to raise such objection open, the revision application stands disposed of. No costs.

(AMIT BORKAR, J.)