

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 75 OF 2024

Jayesh Dinesh Kadam & Anr.

.. Applicants

Versus

Andrew David Fernandes & Ors.

.. Respondents

-
- Mr. Yuvraj P. Narvankar for Applicants
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 21.02.2024. Heard Mr. Narvankar, learned Advocate for Applicants.
3. Exception taken in the present Writ Petition is to the order rejecting Application under O. VII, R. 11 of the CPC seeking cancellation of registered sale deeds of 1969 and 2008 in a Suit which is filed in 2023. Learned Trial Court held that limitation would be a mixed question of law and facts without giving further reasons. This Court has taken a very stringent view in such matters. Respondent is therefore put to notice of the same.
4. Issue notice to the Respondents made returnable on 20.03.2023. Humdast permitted. In addition to Court's notice, Applicants are directed to serve copy of the CRA along with copy of this order on

the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Applicants.

5. Respondents are directed to remain present either themselves or through their Advocate on the next adjourned date. It is made clear that if Respondents remain absent despite service on the next adjourned date, this CRA shall be heard and disposed of at the stage of admission in the absence of the Respondents.

6. Stand over to **20th March, 2024.**

Amberkar

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[MILIND N. JADHAV, J.]