

HARSHADA H. SAWANT  
(P.A.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL REVISION APPLICATION (ST.) NO.25289 OF 2023**

Alka Subhash Jadhav, through POA. Subhash  
Mahipati Jadhav

.. Applicant

**Versus**

Krishnabai Pralhad Kanase and Ors.

.. Respondents

.....

- None for the parties.

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 22, 2024**

**P.C.:**

- 1.** None appears for parties.
- 2.** In view of the Interim Application No.1294 of 2024 being allowed, Civil Revision Application is taken up for hearing forthwith.
- 3.** None is present for the parties though called out. The order impugned in Civil Revision Application is dated 12.04.2023 passed below Exhibit-35 in respect of Regular Civil Suit No.65 of 2021.
- 4.** The dispute pertains to valuation of the suit properties. Center of controversy is a registered partition deed which according to the Plaintiffs applies to all parties in the suit proceedings.
- 5.** According to Plaintiffs, the amounts of share of each party is fixed. Plaintiffs have claimed that they were not a party to the registered partition deed and therefore the said partition deed would not be binding upon them.

**6.** In that view of the matter, the Defendants have filed Application below Exhibit-35 seeking rejection of the suit plaint under Order VII Rule 11 (d) of the Code of Civil Procedure, 1908 (for short 'CPC') on the ground that once partition deed is executed by the predecessors of Plaintiffs they have no right to ask for partition again and hence they claim that the suit is barred by Hindu law.

**7.** An arguable case is made out for issuance of notice.

**8.** Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Applicants directed to serve the Respondents a copy of this order and copy of the Civil Revision Application 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. Respondents are directed to file Affidavit-in-Reply to the Civil Revision Application on or before the next date.

**9.** Both the Applicants and Respondents are directed to remain present on the next adjourned date when this Court shall determine this Civil Revision Application and pass appropriate orders in accordance with law.

**10.** Parties shall take cognizance of this order.

**11.** Stand over to **12<sup>th</sup> April, 2024.**