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

CIVIL REVISION APPLICATION NO. 247 OF 2024

Damodar Badrinarayan Bhandari

.. Applicant

Versus

~~Vishnu Dagdu Darekar~~ (Deceased)

Through LRS Balkrushna Vishnu Darekar & Ors. .. Respondents

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- Mr. Drupad Patil a/w. Mr. Namitkumar S. Pansare, Advocates for Applicant.
- Mr. Ketan Joshi, Advocate for Respondent No.1(a).
- Mr. Mohit Dalvi a/w. Mr. Rishikesh Avhad i/by Mr. Shailesh Chavan, Advocates for Respondent Nos.4b, 4d to 4e.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2024.

P.C.:

1. Heard Mr. Patil, learned Advocate for Applicant and Mr. Joshi, learned Advocate for Respondent No.1(a); Mr. Dalvi, learned Advocate for Respondent Nos.4(b), 4(d) and 4(e).

2. Though an arguable case has been carved out by Mr. Patil after drawing my attention to the averments made in paragraph Nos.3 and 4 of the Suit plaint read in consonance with prayer clause 'a' and prayer clause 'b', I am inclined to accede to the request made by Mr. Joshi to allow the Respondents to file their Affidavit-in-Reply since the present Civil Revision Application involves a challenge to order of rejection of Application under Order VII Rule 11 of the Code of Civil Procedure, 1908.

3. In that view of the matter, Respondents shall file their Affidavit-in-Reply within four weeks from today. Rejoinder, if any, to be filed within one week thereafter.

4. In the meantime, considering the aforesaid challenge, learned Trial Court shall defer hearing in the Suit proceedings until the present Civil Revision Application is determined.

5. Stand over to **18th June, 2024.**

[MILIND N. JADHAV, J.]

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