

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 131 OF 2024

Mayura Karan Shah & Anr.

.. Applicants

Versus

Ashwinkumar Anandrao Bhopale & Anr.

.. Respondents

.....

- Mr. Akshay Petkar a/w Mr. Aniket Malu, Mr. Pranav Shah & Mr. Aditya Nair for Applicants

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 8, 2024

P. C.:

1. Heard Mr. Petkar, learned Advocate for Applicants.
2. Present CRA takes exception to the order dated 23.11.2023 passed in Application below Exh. 35 filed by Applicants (Org. Defendant Nos. 2 & 3).
3. Mr. Petkar has taken me through the facts of the present case and it is seen that in view of no challenge maintained by the Plaintiff to the previous sale deed of 2015 and challenge having been maintained to the subsequent sale deed of 2021 only, Suit as filed is clearly not maintainable on the face of record. Hence on this issue, I need to hear the Respondents.
4. An arguable case has been made out by Mr. Petkar for issuance of notice and stay of the Suit before the Trial Court.

5. Issue notice to the Respondents made returnable on 22.03.2024. 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. Respondents shall be heard.
6. 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.
7. In the meanwhile, proceedings in Special Civil Suit No. 397 of 2022 shall stand stayed.
8. Stand over to **22nd March, 2024.**

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2024.03.08
18:22:31 +0530