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

CIVIL REVISION APPLICATION NO. 236 OF 2024

Pandurang Ganpat Musale

.. Applicant

Versus

Deepak Krushna Mhatre and Ors.

.. Respondents

-
- Mr. Vikram Walawalkar, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2024.

P.C.:

- 1.** Heard Mr. Walawalkar, learned Advocate for Applicant.
- 2.** In the present Civil Revision Application, the impugned order below Exhibit “20” dated 02.12.2023 is passed by the learned Trial Court while rejecting Application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short “**CPC**”)
- 3.** Suit is filed seeking specific performance of Agreement dated 07.12.2016. The said Agreement is at page No.42 of the Civil Revision Application beginning from the first page itself. It is seen that there are blanks, blanks and blanks appearing in the entire Agreement. There is no execution clause of the said Agreement also. The said clause is once again blank.

4. Be that as it may, such an Agreement could not have been challenged and even otherwise beyond the period of limitation itself. That apart, the reason given by the learned Trial Court that the cause of action for the Plaintiff to file the Suit had arisen from the date when the Plaintiff has sensed danger to his legal rights is clearly not sustainable and cannot be countenanced. Such a finding does not appeal at all since the alleged legal rights have not been spelt out. The impugned order dated 02.12.2023 is therefore stayed. Proceedings in Special Civil Suit No.154 of 2022 are also immediately stayed.

5. In view of the above, issue notice to the Respondents. Humdast permitted.

6. In addition to Court notice, Applicant is permitted to serve a copy of the Civil Revision Application and 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.

7. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocates.

8. Respondents are directed to take cognizance of this order and Civil Revision Application and are directed to file their Affidavit-in-Reply on or before the next date, if so desired.

9. It is clarified that, this Civil Revision Application shall be disposed of on the next adjourned date at the stage of admission itself.

10. Stand over to **10th June, 2024.**

[MILIND N. JADHAV, J.]

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