

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.256 OF 2024

Illahi Mahammad Lakadwale

.. Applicant

Versus

Yashwant Kondiba Mule and Ors.

.. Respondents

-
• Mr. Kalpesh U. Patil, Advocate for Applicant.
.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 25, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Patil, learned Advocate for Applicant.
- 3.** Perused the praecipe dated 25.04.2024 and the Civil Revision Application.
- 4.** In view of disposal of Interim Application No.7866 of 2024 today, Civil Revision Application is taken up for hearing.
- 5.** Impugned order dated 24.07.2023 passed below Exhibit-41 in Regular Civil Suit No.118 of 2016 rejects the Defendants Application under Order VII Rule 11 of the Civil Procedure Code, 1908 (for short '**CPC**').
- 6.** Mr. Patil would submit that suit is filed in the year 2016 in respect of a substantive right of the Plaintiff under the document executed in the year 1951. Averments made in plaint are to the effect

that cause of action has however arisen in the year 2016. It is averred by Applicant Defendant that it is a case of clever drafting. However the learned Trial Court has thought otherwise and rejected the Application.

7. An arguable case has been made out by Mr. Patil for issuance of notice to Respondents.

8. Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Applicant is 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. Stand over to **10th June, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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Digitally signed by
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