



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 547 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 14095 OF 2024

Shri Mangesh Vishwanath
Chintnis and Ors.

...Applicants

vs.

Shri Ismail Mohammed
Naikwadi and Ors.

...Respondents

Mr. V. As. Shastry	Advocate for the Applicants
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CORAM : S. M. MODAK, J.

DATE : 28th NOVEMBER 2024

P.C. :-

1. Heard learned Advocate Shri Shastry for the Applicants/Defendant Nos. 4 to 15.

2. There was suit for declaration and injunction filed by the present Respondent Nos. 1 to 9. **The main reliefs sought are :-**

a. 'the Plaintiff be declared as deemed purchaser as heir of one Mohammed Naikwadi'.

b. 'sale deed dated 27.03.2023 between Defendant Nos. 4 on one hand and defendant nos. 5 to 15 on the other hand is not

binding on them and it be cancelled’.

- c. *Two sorts of injunction are sought.* One not to measure the land and second not to obstruct possession of the Plaintiff.

3. There was an application filed for return of the plaint. Trial Court as per impugned Order dated 05.01.2024 gave following directions :-

- (i) Plaintiff was directed to amend the plaint by deleting paragraph no. 21 (ख), (ग) and (घ).
- (ii) The prayer for rejection of the plaint for rest of the reliefs is rejected.

The part of the order rejecting the application for certain relief is challenged by these Applicants. The contention is such mode is not permissible by law.

4. Issue notice to the Respondent Nos. 1 to 9 before admission returnable on 15th January 2025 high on board.

5. Additionally, private notice is allowed, and service affidavit be filed.

6. Matter be kept on **15th January 2025 high on board.**

[S. M. MODAK, J.]