



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 6244 OF 2025
IN CRAFT/16629/2025

NASER BIN MOHAMMED AND ANOTHER
VERSUS
JUNED YAFAI ABDUL RAB

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Mr. A. R. Syed, Advocate for Applicants
Mr. A. A. Mukhedkar, Advocate for Respondent

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 01.10.2025

PER COURT :-

1. Feeling aggrieved by the order dated 29.01.2025, passed by the learned 3rd Joint Civil Judge, Senior Division, Parbhani in Spl.C.S. No.86 of 2024, on an application below Exh-17, the defendants in the suit have filed an application under Order VII Rule 11 of the CPC.

2. Mr. Syed, learned counsel for the applicants would submit that the application has been turned down by the learned Trial Court and hence the Civil Revision Application is filed. Mr. Syed, learned counsel would submit that there is delay of 40 days caused in filing the Civil Revision Application.

4. Mr. Syed contends that the delay is explained in paragraphs 3, 4 and 5 of the Civil Application, which reveal that the applicants did not cause

the delay through lethargy or negligence, but that the delay was bona fide and should be condoned. He submits that the Civil Revision Application should be considered on its merits, particularly in relation to the application filed under Order VII, Rule 11.

5. On the other hand, Mr. Mukhedkar, learned counsel for the respondents, argues that the delay is not satisfactorily explained and that the applicants' reasons are inconsistent and lack bona fides; hence, the application for condonation of delay ought to be rejected. He has also filed reply affidavit to oppose the delay condonation application.

6. Upon having heard the parties at length, I am of the considered view that the issue is about rejection of plaint in a suit. The remedy to the person who suffers an order passed by the learned Trial Court under Order VII Rule 11 (a to f) of the CPC lies in Civil Revision Application to be dealt with by this Court. The applicants submit that the Civil Revision Application would point out how the learned Trial Court has not properly dealt with his application in accordance with Order VII Rule 11 CPC. The delay is not correctly explained as per the learned counsel Mr. Mukhedkar for the respondent. However, considering that the delay is merely 40 days and that the issue raised by the applicants necessarily to be dealt on its own merit, I deem it appropriate, in the interest of justice, to allow the application.

7. Hence, considering the grounds mentioned in the application as also the objection raised by the respondent, Civil Application is allowed subject to cost of Rs. 1000/- to be paid to the **Advocate Association's Bar Library, High Court, Aurangabad**, within two weeks from today .

8. Delay of 40 days caused in filing the Civil Revision Application is hereby condoned.

9. Upon deposit of such cost, office to register the Civil Revision Application.

9. Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]