



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**95 CIVIL APPLICATION NO. 10985 OF 2024
IN CRAFT/22656/2024
WITH CRAFT/22656/2024**

**VISHNU NIVRUTTI GAPAT AND ANOTHER
VERSUS
VIJAYKUMAR VISHWANATH KAPSE AND OTHERS**

...
Advocate for Applicant : Mr. Deshmukh Rajiv B.
Advocate for Respondent No. 1 : Mr. Manale Satish S.

...
CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 23, 2025

PER COURT :-

1. Learned counsel appearing for the applicant seeks permission to delete respondent nos. 3 and 4 in the application as well as CRA.
2. The permission is granted at the risk of applicant. Amendment be carried out forthwith.
3. Heard Mr. Deshmukh, learned Advocate appearing for the applicant and Mr. Manale appearing for respondent no. 1. Although respondent no. 2 is served, none appeared.
4. Perused the application. In view of the reasons stated in paragraph no. 3, the sufficient cause is made out to condone the delay. Consequently, application is allowed. Delay is condoned. CRA be registered.
5. On registration of CRA Mr. Deshmukh, learned Advocate appearing for the applicant submits that now issues

are framed in the suit and even recording of evidence has been started. He submits that the objection as to the payment of Court fees as well as valuation of the suit is specifically raised in written statement, so also it was raised in application seeking rejection of plaint under order VII Rule 11 of the Code of Civil Procedure.

6. Learned Trial Court rejected the application observing that objections are raised at belated stage and if there is any issue as to the deficit Court fees that can be taken care of by directing the plaintiff to deposit the same. Mr. Deshmukh, therefore, submits that keeping all such objections open to be raised in suit, he may be permitted to withdraw the Civil Revision Application.

7. Mr. Manale has no objection if all the aforesaid points are kept open to be raised in the suit.

8. In view of the submissions advanced, the Civil Revision Application stands disposed of as withdrawn with liberty. The objection as to valuation of the suit and Court fees may be dealt by trial Court by framing appropriate issues along with other issues.

(S. G. CHAPALGAONKAR)
JUDGE