



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO. 215 OF 2017**

SHARNAPPA KASHIRAYA NAVTAKE
VERSUS
SUBHASH KASHIRAYA NAVTAKE AND OTHERS

...

Mr. Prashant K. Deshmukh, Advocate for the Applicant.
Mr. Sharad V. Natu, Advocate for Respondent Nos.1 and 4.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th MARCH, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The present Civil Revision Application is filed by original plaintiff assailing order dated 23.08.2017 in Special Civil Suit No.1/2013 below Exhibit-1, thereby rejecting plaint. Apparently, rejection of plaint is a consequence of non-fulfillment of directions issued under order dated 09.02.2016.
3. In that view of the matter, Mr. Natu, learned Advocate appearing for respondents raises objection as to the maintainability of Civil Revision Application contending that order rejecting plaint would constitute a decree within meaning of Section 2(2) of Code of Civil Procedure, which is appealable before District Court under Section 96 of the Code of Civil Procedure. In support of his submissions he relies upon judgment of Supreme Court of India in case of *Sayyed Ayaz Ali Vs. Prakash G. Goyal and Others*¹.
4. Faced with aforesaid objection, Mr. Deshmukh, learned Advocate appearing for the appellant submits that his client may take appropriate steps.

¹ (2021) 7 SCC 456.

5. In light of aforesaid submissions, it is evident that present Civil Revision Application is not maintainable. Hence, Civil Revision Application stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2025