



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

CIVIL REVISION APPLICATION NO. 250 OF 2025

MOHAMMAD YKUB ABDUL KDAR SAUDAGAR AND OTHERS
VERSUS
DR. AMOL SHRIHARI LAHANE AND ANOTHER

...
Advocate for Applicants : Mr. Kedar Shrimant Ravsaheb
CORAM : SHAILESH P. BRAHME, J.

DATE : 02.12.2025

PER COURT :

By impugned order, the Trial Court has rejected the plaint. It amounts to decree and susceptible to the appeal before the District Court under Section 96 of the Code of Civil Procedure.

2. The Civil Revision Application is dismissed with liberty to avail the remedy as permissible in law. Time consumed in prosecuting the present revision application shall be taken into account by the Lower Appellate Court.

3. An exigency has been pointed out by the learned counsel for the applicants. The applicant was protected by way of interim injunction passed on 06.05.2025 below Exh. 5, for not creating third party interest due to rejection of plaint. The protection got merged in the impugned order. The respondents are likely to take advantage of this situation to create complications.

4. Under very peculiar circumstances, the respondents, their agents or anybody acting through them shall not create any third party interest in the suit properties for the period of six days i.e. up to 08.12.2025. The protection shall stand vacated without reference to the Court on 08.12.2025.

It is clarified that it shall not construed that this Court has expressed any opinion on the merits of the matter. It would be open to the Appellate Court to consider the appeal on its own merits.

(SHAILESH P. BRAHME, J.)

mkd/-