



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

APPEAL FROM ORDER NO. 14 OF 2025

SMT. KAMLABAI BHAGWAN KHARAT

VERSUS

THE STATE OF MAHARASHTRA

THR. COLLECTOR AURANGABAD AND ORS.

WITH

CIVIL APPLICATION NO. 3056 OF 2025 IN AO/14/2025

CIVIL APPLICATION NO. 4886 OF 2025 IN AO/14/2025

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Advocate for the Petitioner : Mr. S.S. Gangakhedkar h/f
Mr. Kale Yogesh D.

AGP for Respondents/State : Mr. B.A. Shinde
Advocate for Respondent No.5 : Mr. S.S. Khoche

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CORAM : SHAILESH P. BRAHME, J.

DATE : 26th JUNE 2025

PER COURT :

1. Learned Counsel for the Respondent seeks time.
2. List this matter for consideration on 15.07.2025 in urgent admission category. Appeal shall be decided finally at the admission stage.
3. Interim relief to continue till the next date.
4. Following substantial questions of law are involved :
 - (i) Whether suit filed by the Respondent No.5 is maintainable and or plaint is liable to be rejected under Order 7 Rule 11?

(ii) Whether under given facts and circumstances of the case, Section 14 of the Limitation Act would be attracted or not?

(iii) Whether the Plaintiff can agitate the same issues which were raised before the competent authorities and which were decided against him, by resorting to suit under Section 9 of the Civil Procedure Code?

5. Besides that ground nos. 6, 7 and 8 would also constitute substantial questions of law.

SHAILESH P. BRAHME
JUDGE

NAJEEB..