

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 545 OF 2024

Pruthviraj Ganapatsing Rajput And Ors ...Applicants
Versus
Jayprakash Radheshyam Bharadiya And Ors ...Respondents

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NITIN
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Date: 2025.03.17
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Mr. Nitin Gaware Patil a/w Mr. Shubham Wadne for the Applicants.

CORAM : M.M. SATHAYE, J.

DATE : 17th MARCH 2025

P.C. :

1. Heard learned counsel for the Applicants who are Defendant Nos. 6, 7 and 8.
2. By the impugned order, the Applicants' application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for rejection of the plaint) is rejected.
3. Inviting the Court's attention to the averments and prayers made in the plaint, learned counsel for the Applicants submitted that prayers are drafted in such a manner that they ultimately seek to challenge the N.A. permission granted to the Applicants as well as development in the adjoining land of the Applicants which is on the Northern and Eastern side of the subject matter 40R property. He submitted that, therefore if the pleadings and prayers are carefully read, the bar under Section 149 of the Maharashtra Regional and Town Planning Act, 1966, as well as Section 158 of the Maharashtra Land

Revenue Code, 1966 would apply. He submitted that the Court must see through the clever drafting and it must be held that the suit, as filed, is barred by provisions of law.

4. For the time being, issue notice to Respondent No.1, returnable on 15.04.2025.

5. In addition to the Court's notice, private notice is permitted. Notice to indicate that subject to time constraints, an endeavour will be made to finally hear the revision application.

(M.M. SATHAYE, J.)