



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Revision Application No.101 of 2025

Saroj w/o Krushna Hadke (Since deceased), through Legal Representatives
vs.
Dr. Riyajvi Rab s/o Faizul Rab

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.M. Sharma, Advocate for the Applicants.
Mr. S.S. Bhalerao, Advocate for the Non-Applicant.

CORAM : ROHIT W. JOSHI, J.
DATE : 26th SEPTEMBER, 2025.

Heard the learned Advocates for the parties.

02. Leave to delete the names of non-applicant Nos.2(i) to 2(iii) is granted. Necessary amendment be carried out forthwith.
03. The application for rejection of plaint under Order VII Rule 11 of the Code of Civil Procedure (C.P.C.) was filed by the present applicants, who are the legal representatives of original defendant No.2 in an appeal filed under Section 96 of C.P.C. being R.C.A. No.543/2017.
04. The contention was that the plaint was barred by limitation. The learned Appellate Court has entertained the application for rejection of plaint, although an objection was raised by respondent No.1-original plaintiff that application under Order VII Rule 11 of C.P.C. is not maintainable before the Appellate Court.
05. The learned Advocate for the applicant concedes to the legal position that the application was not maintainable, however, he states that revision is filed since the learned Appellate Court has made

certain observations with respect to the merits on the issue of limitation by which the applicants are aggrieved. With the consent of both the learned Advocates, the following order is passed :

- i. The observation on merits of the matter made in the impugned order dated 08/08/2025 passed by the learned Ad-hoc District Judge-2, Nagpur on application at Exh.40 in RC.A. No.543/2017 will not be taken into consideration while deciding the appeal on merits.
- ii. The appeal will be decided on its own merits without being influenced by the observations pertaining to limitation made in the said order.
- iii. However, the order of rejection of application at Exh.40 is maintained since the said application is not maintainable.

JUDGE

**sandesh*