



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

CIVIL REVISION APPLICATION NO.117 OF 2025

SHRI. RAMESH S/O BHAGIRATH RANDER
VERSUS
 SHRI. ANIL HARIPRASAD JEJANI AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.G. Bhangde, Senior Advocate a/b Mr. H.D. Dangre,
 Advocate for Applicant.
 Mr. A.C. Dharmadhikari, Advocate for Respondent No.1.
 Mr. Sudarshan Dhawale, Advocate for Respondent Nos.2 to 8.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 06th NOVEMBER 2025

1. Heard learned Senior Advocate for the applicant.
2. The applicant's challenge is to the order dated 20.12.2024, passed by the trial court, rejecting the application under Order VII Rule 11(d) of CPC, in Spl.C.S. No.459 of 2023.
3. It is submitted that the plaint deserved to be rejected being filed in a suit to claim time barred relief and in absence of cause of action.
4. Learned Senior Advocate for the applicant submits that the controversy involved in the civil suit with respect to challenge to the sale deed dated 24.10.2020 is also involved in execution proceedings bearing No.63 of 2020, arising out of an application under Order XXI Rule 97 of CPC. It is also pointed out that the issues involved in both the proceedings are overlapping and will have bearing on each other particularly considering the prayer clauses in both the proceedings. It is stated that the proceedings of objection in

execution case are pending for cross-examination and considering the fact that the instant revision application is pending, the applicant, who is decree holder in the said execution case, is entitled to prosecute the proceedings after the controversy involved in the instant revision application is decided.

5. Having regard to the controversy involved, issue notice to the respondents, returnable on 12th November 2025.

6. Advocate Mr. A.C. Dharmadhikari, who appears on caveat, waives service of notice on behalf of respondent No.1.

7. Advocate Mr. Sudarshan Dhawale, who appears suo moto, waives service on behalf of respondent Nos.2 to 8.

8. Having regard to the fact that the instant revision application is pending and considering the controversy involved, the applicant is permitted to file an application for adjournment in the objection proceedings in the execution case bearing No.63 of 2020. If same is filed, trial court should consider it favourably.

9. Further, the applicant is also permitted to file an application for adjournment in Spl.C.S. No.459 of 2023, pending before Civil Judge, Senior Division, Nagpur and if it is filed, same be considered by the trial court favourably.

10. List this matter on 12th November 2025 at 02.30 p.m.

(PRAFULLA S. KHUBALKAR, J.)

asd