

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.595 OF 2025

Ravindra Shankar Mohire	...Applicant
<i>Versus</i>	
Sushila Manilal Shah & Ors.	...Respondents

WITH

CIVIL REVISION APPLICATION NO.604 OF 2025

Ravindra Shankar Mohire	...Applicant
<i>Versus</i>	
Sushila Manilal Shah & Ors.	...Respondents

WITH

CIVIL REVISION APPLICATION NO.605 OF 2025

Ravindra Shankar Mohire	...Applicant
<i>Versus</i>	
Manilal Nanji Shah & Ors.	...Respondents

Ms. Vaishnavi Gujarathi a/w. Mr. Sanket Dorugade, for the Applicant.
Mr. Bhavik Lalan a/w. Ms. Kiran Dubey, for the Respondent Nos.2 and 3.

CORAM: MADHAV J. JAMDAR, J.
DATED : 2nd FEBRUARY 2026

P. C.:

1. Heard Ms. Gujarathi, learned Counsel appearing for the Applicant and Mr. Lalan, learned Counsel appearing for the Respondent Nos.2 and 3.

2. In all these Civil Revision Applications the challenge is to the orders passed in Marji Application filed in respective Appeals. The details of the same are set out herein below:

Civil Revision Applicaiton	Marji No.	Appeal No.	Suit No.	Old CRA No.
Civil Revision Applicaiton No.604 of 2025	Marji Application No.97 of 2025	Appeal No.288 of 2022	Suit No.897 of 2021	Civil Revision Applicaiton No.288 of 2023
Civil Revision Applicaiton No.595 of 2025	Marji Application No.96 of 2025	Appeal No.287 of 2022	Suit No.898 of 2021	Civil Revision Applicaiton No.292 of 2023
Civil Revision Applicaiton No.605 of 2025	Marji Application No.98 of 2025	Appeal No.286 of 2022	Suit No.899 of 2021	Civil Revision Applicaiton No.289 of 2023

3. In effect, the orders challenged are dismissal of the delay condonation applications in filing applications seeking setting aside the orders which are passed in respective Appeals on the basis of the Consent Terms.

4. It is the submission of Ms. Gujarathi, learned Counsel appearing for the Applicant that the suit filed is Inter Pleader Suit and without giving notice to the Respondent Nos.3 and 4 in the said Appeal, the Consent Terms were executed between the original Plaintiff and the Respondent Nos.1 and 2 i.e. original Defendant Nos.1 and 2. She submits that the Respondent Nos.3 and 4 in said Appeal i.e. original Defendant Nos.3 and 4 were not

given notice and the order was passed in terms of the Consent Terms and said Appeal was withdrawn against the Respondent Nos.3 and 4. She submits that in any case, the order passed in Appeal on the basis of the Consent Terms is not binding on the present Applicant. She further submits that in all these respective Appeals, the challenge is to the order dated 16th September 2022 passed by the learned Judge, Small Causes Court, by which the plaint was rejected under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 (“**CPC**”) and the said order passed in all the above three proceedings i.e. Inter Pleader Suit has not been set aside. She further submits that the Appeal which is filed challenging the said order of rejection of plaint in the said Inter Pleader Suits is disposed of in terms of the Consent Terms, however, the order rejecting plaint has not been set aside by the learned Appellate Court and even the said Consent Terms also do not contain any such terms. She therefore, submits that the order which will operate even after disposal of Appeal in terms of the Consent Terms is rejection of the plaint.

5. On the other hand, Mr. Lalan, learned Counsel appearing for the Respondent Nos.2 and 3 submits that the contention raised

that no notice was given to the Applicant of said Consent Terms is not correct. However, Mr. Lalan, learned Counsel appearing for the Respondent Nos.2 and 3 fairly submits that the contentions raised by Ms. Gujarathi, learned Counsel appearing for the Applicant that the plaint is rejected by order dated 16th September 2022 and the said order has not been set aside in the Appeal and therefore, even if the Appeal is disposed of as against the Respondent Nos.1 and 2 in terms of the Consent Terms, still the order which has attained finality is the order dated 16th September 2022 by which entire plaint has been rejected by exercising power under Order VII, Rule 11(d) of the CPC.

6. In fact, he pointed out that the said order dated 16th September 2022 has been challenged by filing Civil Revision Application No.282 of 2023, Civil Revision Application No.292 of 2023 and Civil Revision Application No.289 of 2023 and all these Civil Revision Applications have been dismissed for non-prosecution and therefore, the said order dated 16th September 2022 rejecting the plaint has attained finality. Thus, he submits that the final order in the all these Inter Pleader Suits in spite of

order passed in respective Appeals in terms of the Consent Terms is the order of rejection of plaint.

7. Mr. Lalan, learned Counsel appearing for some of the Respondents in Civil Revision Application No.282 of 2023, Civil Revision Application No.292 of 2023 and Civil Revision Application No.289 of 2023 submits that as the same are dismissed for non-prosecution the order rejecting plaint in Inter Pleader Suit has attained finality.

8. In any case, admittedly, Consent Terms were filed only between the Respondent No.1(original Plaintiff) and the Respondent Nos.2 and 3 (original Defendant Nos.1 and 2) and therefore, it is very clear that the said order dated 14th June 2023 passed by the learned Appellate Bench of the Small Causes Court in respective Appeals in terms of the Consent Terms is not binding on the Applicant.

9. The above observation is made without prejudice to the contentions raised by Ms. Gujarathi, learned Counsel appearing for the Applicant that even the said Consent Terms are also not

relevant as the order rejecting plaint dated 16th September 2022 has not been set aside by the learned Appellate Court and therefore, ultimate order passed in said Inter Pleader Suit is rejection of the plaint.

10. Thus, with these clarifications, Civil Revision Application No.595 of 2025, Civil Revision Application No.604 of 2025 and Civil Revision Application No.605 of 2025 are disposed of.

[MADHAV J. JAMDAR, J.]

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