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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 216 OF 2019
WITH
INTERIM APPLICATION NO. 38735 OF 2025**

Safiya Abdul Hamid Kungle and Others ... Applicants

Vs.

Iqbal Ahmed Hussain Kungle through ... Respondents

POA holder – Zubair I Kungle and Others

Mr. Rohan P. Surve i/b. Mr. B. N. Kazi for the Applicants.

Mr. Dinesh J. Haldankar, AGP for Respondent Nos. 2 to 5.

CORAM : GAURI GODSE, J.

DATE : 14th JANUARY 2026

ORDER :

1. This civil revision application is filed by defendant nos. 6 to 8 to challenge the order passed by the trial court rejecting their application under Order VII Rule 11 of the Code of Civil Procedure, 1908 ("CPC").

2. Learned counsel for the applicants submits that in view of Section 68 of the Maharashtra Highway Act, 1955 ("the said Act") civil court's jurisdiction is barred. He submits that the plaintiffs are seeking share in respect of the

compensation for the land acquired under the said Act. Hence, the jurisdiction of the civil court would be barred for deciding any issue with regard to the compensation for the acquisition.

3. I have perused the papers. The suit is filed for a declaration that the plaintiffs would have a share in the acquired property and thus would be entitled to their share in the compensation towards the land acquired. In view of the declaration regarding partition and seeking to enforce their civil right towards their undivided share in the property that was acquired, the trial court has rightly held that the prayers in the suit would not bar the civil court's jurisdiction.

4. Considering the prayers in the plaint, the relief sought in the plaint would pertain to the exclusive jurisdiction of the civil court and cannot be decided by the authorities under the said Act. Hence, the bar would not apply in the present case. The trial court has therefore rightly refused to reject the plaint at the threshold.

5. Considering the prayers in the suit, I see no reason to interfere in the impugned order. Civil Revision Application is therefore dismissed.

6. In view of the dismissal of the civil revision application, interim application is disposed of as infructuous.

[GAURI GODSE, J.]