

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1660 OF 2026

Shamrao Ganpat Adsul

...Petitioner

Versus

Harishchandra Kashinath Patil

...Respondents

(Since deceased)

Through Heirs and Legal Representatives

1.1 Vishwanath Harishchandra Patil & Ors.

Mr. Kunal Bhanage a/w Akshay Pawar, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 20 FEBRUARY 2026

P.C.:

1. Heard Mr. Bhanage, learned Counsel appearing for the Petitioner.
2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 18th November 2025 passed by the learned Judge, Small Causes Court, Mumbai, below Exhibit-70 in RAE & R Suit No.666/1069 of 2013.
3. By the impugned Order, the said Application bearing Exhibit – 70 has been rejected. The said Application bearing Exhibit-70 has been filed seeking rejection of the plaint under Order VII Rule 11 of the *Code of Civil Procedure, 1908*. The learned Trial Court, while rejecting the Application, has observed that the Application has been filed belatedly

and it has been further observed that the issue of jurisdiction will be decided at the time of Judgment. The said Order of the learned Trial Court was confirmed by the learned Revisional Court, by dismissing the Revision filed by the present Petitioner being Revision Application No.320 of 2025 by the Judgment and Order dated 11th December 2025.

4. Perusal of the record shows that the Suit has been filed in the year 2013 and the said Application bearing Exhibit-70 has been filed on 17th November 2025. Thus, undisputedly, there is delay of about 12 years in filing the Application. Apart from that, the learned Trial Court has specifically observed that the issue regarding the jurisdiction will be decided, at the time of finally deciding the Suit.

5. Thus, in the facts and circumstances, no interference in the impugned Order is warranted.

6. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]