



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

CIVIL REVISION APPLICATION NO.22 OF 2026

Haridas D. Borkar and anr. **Vs.** Smt. Parbatabai N. Shende and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. K.S. Jichkar a/w. Mr. S. P. Kshirsagar, Advocates for applicants.
Mr. A. V. Muley, Advocate for respondent No.1.

CORAM : ROHIT W. JOSHI, J.
DATE : 09.03.2026.

. The application filed by the present applicants for rejection of plaint in Regular Civil Suit No.293 of 2001 came to be rejected vide order dated 16.04.2024 passed by the learned Civil Judge, Junior Division, Saoner. The objection is that the suit is not maintainable in view of judgment and decree dated 02.05.2008 passed by the learned Civil Judge, Junior Division, Saoner in Regular Civil Suit No.293 of 2001. The contention is that the suit filed by the plaintiff is not maintainable and that if the plaintiff has any grievance, she should raise it by filing objection under Section 47 of the Code of Civil Procedure in the execution proceedings pertaining to the judgment and decree in Regular Civil Suit No.293 of 2001.

2. Admittedly, plaintiff is not a party to Regular Civil Suit No.293 of 2001. There is nothing to infer that she is claiming through any of the parties in the said civil suit.

3. In view of the aforesaid, the learned Trial Court has rightly rejected the application on the ground that Section 47 can be invoked only by the parties to a suit or anybody claiming through them and that although dispute in the present suit and the earlier suit is pertaining to the same property, the parties are different and as such the civil suit will be maintainable. The learned Trial Court has not committed any error in rejecting the application. Civil Revision Application is **rejected.**

(ROHIT W. JOSHI, J.)

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