



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

CIVIL APPLICATION NOS.34 OF 2025 AND 35 OF 2025
IN
CIVIL REVISION APPLICATION NO.14 OF 2018

Rajkumar P. Wadhvani and anr.

Vs.

Fahamida Hina wd/o Sk. Jamir Ahmad 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. Y. J. Maheshwari, Advocate for applicants.

Mr. Masood Shareef, Advocate for respondent Nos.2 to 6.

CORAM : ROHIT W. JOSHI, J.

DATE : 30.04.2026.

. The present Civil Revision Application arises out of an order rejecting the objection filed by revision petitioners under Order 21 Rule 97 of the Code of Civil Procedure, 1908. Respondent Nos.8, 9 and 12 have expired. These applications are filed for condonation of delay in filing application for bringing their legal representatives on record, setting aside abatement of revision and for bringing the legal representatives on record. Respondent Nos.8, 9 and 12 are the judgment debtors.

2. Learned advocate representing the legal representatives of the decree holder states that he has no objection for allowing the applications.

3. In view of the aforesaid, civil applications are **allowed** by condoning the delay, setting aside abatement

and permitting the revision petitioners to incorporate the names of legal representatives of deceased respondents Nos.8, 9 and 12 on record.

4. Necessary amendment be carried out forthwith.

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5. Mr. Shareef, learned advocate for respondent Nos.2 to 6/legal representatives of the decree holder raises a preliminary objection that the impugned order is deemed to be a decree and is appealable in view of Order 21 Rule 103 of the CPC.

6. Learned advocate for the revision petitioners does not dispute the legal position. He, however, makes a motion to extend the interim order dated 12.02.2018 passed by this Court for a reasonable period in order to enable the revision petitioners to prefer appeal.

7. Although learned advocate for respondent Nos.2 to 6 strongly opposes the request, having regard to the fact that the interim order is operating for more than 8 years, I am inclined to extend the same.

8. Interim order dated 12.02.2018 granted in terms of prayer clause-C of the revision application is extended till **15.06.2026**. Prayer clause (C) reads as under.

“Stay the further proceedings of Regular Darkhast No.78 of 1998 pending on the file of learned 4th Joint Civil Judge

(Junior Division), Bhandara during the pendency of this revision application.”

9. Period spent in prosecuting the revision application shall be excluded for the purpose of computation of limitation in filing appeal.

10. The record indicates that preliminary decree was initially passed in favour of the decree holder/predecessor of respondent Nos.2 to 6 on 19.06.1984. The execution is pending since the year 1998.

11. In view of the aforesaid, in the event appeal is preferred, the learned Appellate Court shall make an endeavor to decide the appeal as early as possible and in any case before **31.12.2026**.

12. Mr. Shareef, learned advocate for respondent Nos.2 to 6 makes a statement that in the event, the revision petitioners file an appeal, advance copy of the memo of appeal alongwith any application(s) to be filed in the appeal be served upon him since he has instructions to appear on behalf of the said respondents in the appeal proposed to be filed.

13. Mr. Maheshwari, learned advocate for the revision petitioners makes a statement that advance copy of appeal and all applications will be served on the learned advocate for respondent Nos.2 to 6 and that the date of first hearing of the appeal will also be communicated to the learned advocate in writing.

14. Civil Revision Application is **disposed of** as withdrawn with liberty to file appeal as prayed.

(ROHIT W. JOSHI, J.)

Ταπηγ...