

THE HIGH COURT OF MADHYA PRADESH

R.P. No. 3/2018

1 *Smt. Jyoti Prajapati Vs. Jainarayan & others.*

Indore, dated : 31.01.2018

Shri Amit Raj, learned counsel for the petitioner.

Heard on the question of admission.

ORDER

The petitioner filed the present review petition seeking review of the order dated 23.11.2017 passed in M.P. No.38/2017 by which the petition was partly allowed.

2. In a pending first appeal, the petitioner was arrayed as respondent being legal heir of Gopal Prajapati. She filed an application under Order 41 Rule 1, Order 14 Rule 2 read with Order 7 Rule 11, and Order 1 Rule 8 of the C.P.C. This Court vide order dated 23.11.2017 has allowed the application under Order 1 Rule 8 of the C.P.C. and the appellate Court was directed to permit the petitioner as appellant No.5 in the appeal. In compliance of the aforesaid order, the name of the petitioner has been deleted from the array of respondents and has been made as appellant No.5 by order dated 4.1.2018.

3. The contention of the petitioner is that in her cross-objection filed under Order 41 Rule 1 of C.P.C., she has raised additional grounds, therefore, the Court is duty bound to decide the objections.

4. This present review petition is misconceived. It is for the respondents to file cross-appeal in a pending appeal. Now, the petitioner has been transposed as appellant in the

THE HIGH COURT OF MADHYA PRADESH
R.P. No. 3/2018

2 *Smt. Jyoti Prajapati Vs. Jainarayan & others.*

appeal, therefore, such provisions are not available for her. Hence, this Court has rightly passed the order. No case for review is made out.

Accordingly, this review petition is dismissed.

(VIVEK RUSIA)
JUDGE

Alok/-

Alok
Gargav

Digitally signed by Alok Gargav
DN: c=IN, o=High Court of
Madhya Pradesh,
ou=Administration,
postalCode=452001, st=Madhya
Pradesh,
2.5.4.20=10ffc095e99ebde5fcd7c3
f1f517fd958a070f17607a9a6db30
71d4a39e9cb81, cn=Alok Gargav
Date: 2018.02.06 11:19:37 +05'30'