

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 202 OF 2015

Gani Roshanali Inamdar and others .. Petitioners

Versus

Yasin Baban Inamdar and others .. Respondents

Shri Chandrakant K. Shinde, Advocate for Petitioners.

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD SEPTEMBER, 2015.

PER COURT :

. An application filed by the present petitioners U/Sec. 9-A of the Code of Civil Procedure (for short "C.P.C.") to frame an issue of jurisdiction as a preliminary issue is rejected.

2. Mr. Shinde, the learned counsel submits that, an issue of jurisdiction is raised, as such it is mandatory for the Court to frame the issue of jurisdiction considering Sec.9-A of the C.P.C. The Court has lost sight of the said fact. Even otherwise the Court has power to frame the issue of jurisdiction, as the said issue goes to the root of the matter.

3. I have considered the submissions. I have also perused the order. In my opinion the Court has not committed any error in

not invoking the provisions of Sec. 9-A of the C.P.C. as no application seeking any interim orders is pending before the Court.

4. In the light of that, I am not inclined to entertain present revision. The learned counsel for petitioners submits that, the petitioners still have remedy U/O 14 of the C.P.C. to move the Court for framing the preliminary issue.

5. The same cannot be considered in the present matter.

6. In case the petitioners have a right to move for framing the issue of jurisdiction as preliminary issue under any provisions of the C.P.C., the petitioners may apply under the said provision, which application would be considered on its own merits. The civil revision application is disposed of. No costs.

[S. V. GANGAPURWALA, J.]