

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7263 OF 2014

National Giant Products

a Proprietary Concern of

Mr. Nandkishore Vasudev Gawade

: Petitioner

versus

**Maharashtra State Road Transport
Corporation**

: Respondent.

Mr. Rakesh Sawant for the Petitioner.

Mr. G S Hegde for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 01st October 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 9/6/2014 passed by the learned Judge of the City Civil Court, Greater Bombay by which order the Respondent herein i.e. the Defendant to the suit was granted unconditional leave to defend the suit and was directed to file its written statement within four weeks from the date of the said order.

2 The suit in question has been filed under Order XXXVII of the Code of Civil Procedure for recovery of an amount of Rs.5,56,584.87 paise which is the alleged outstanding amount due to the Plaintiff for the work carried out at the Bus Station in Amravati Division in the matter of providing multiple functioning energy saver. The Defendant on the summons for judgment being served filed leave to defend and took up a ground that the City

Civil Court for Greater Bombay does not have jurisdiction to try and entertain the instant suit. In view of the said objection to the jurisdiction raised, the Trial Court i.e. the learned Judge of the City Civil Court, Greater Bombay came to a conclusion that a triable issue has been raised and therefore granted unconditional leave. After the impugned order dated 9/6/2014 was passed in terms thereof, the written statement has been filed by the Respondent/Defendant. The issues have also been framed on 1/7/2015 amongst which is the issue of territorial jurisdiction and the suit is kept for recording evidence.

3 In my view, having regard to the facts as aforestated, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.