

matter)(2)

mnm

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

APPEAL FROM ORDER (ST) NO. 30094 OF 2015

Rambali Bharat Yadav ...Appellant/Orig. Plaintiff
Vs.
Brihanmumbai Municipal Corpn. ...Respondent/Orig.Defendant

Ms. Aparna Devkar i/b. M.P. Vashi & Associates for the Appellants
Mr. A.V. Diwate for Respondent BMC

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 30TH OCTOBER, 2015**

P.C. :

Rule. Returnable forthwith.

1. A notice of motion taken out by the plaintiff has been dismissed by the Bombay City Civil Court. The plaintiff contends that the defendant raised a plea of jurisdiction which has not been heard. The plea may be required to be heard unless the defendants state that they do not desire to press the issue at all and in which case the issue cannot be pressed even at the final hearing.
2. Consequently the impugned order passed in the notice of motion taken out by the plaintiff is set aside. The learned Judge is requested to frame and answer issues relating to the

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jurisdiction of the Court as a preliminary issue and then dispose off the notice of motion. A/O is disposed off accordingly.

3. It is clarified that the ad-interim relief, which was applied for has not been granted.

(ROSHAN DALVI, J.)

CERTIFICATE

**Certified to be true and correct copy of the original signed
Judgment /order.**