

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

Misc. Civil Application No.720 of 2014 (for Review)

In

Writ Petition No.5236 of 2006 (D)

(Shri Baburao s/o Annaji Sable and another v. Sou. Pramila w/o Bhanudas
Lonkar and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Anand Parchure, Advocate for Applicants.

Smt. R.D. Raskar, Advocate for Non-Applicants.

Coram : R.K. Deshpande, J.

Dated : 9th February, 2015

Reliance is placed by Shri Parchure, the learned counsel for the applicants, on the provision of sub-rule (2) of Rule 2 of Order XIV of the Civil Procedure Code to urge that the Court is obliged to decide the issue of jurisdiction first before deciding all other issues. Perusal of the said provision shows that it is a discretion conferred upon the Court. The discretion is in respect of the issues of law only and not in respect of the mixed questions of law and fact. In view of this, the contention cannot be accepted.

Thus, no case is made out for review. The Misc. Civil Application is dismissed.

The Trial Court is directed to decide the suit within a period of three months from the date of appearance of the parties before it.

Judge.

Lanjewar