

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1984 OF 2016

New Navrang Co-operative Housing Society Limited ... Petitioners
Vs.
Subhash Amolakchand Gandhi ... Respondent

Mr. Menon i/b. Mr. Sandeep A. Bhagwat for Petitioners.
Mr. Kishore Jain i/b. Ms Shweta Jain for Respondent.

CORAM : R. G. KETKAR, J.
DATE : MARCH 29, 2016

P.C. :

Heard Mr. Menon, learned Counsel for petitioners and Mr. Jain, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 03.11.2015 passed by the learned Judge presiding over Court Room No.13 of the Bombay City Civil Court at Bombay in Notice of Motion No.4775 of 2014 in S.C.Suit No.3753 of 2012. By that order, the learned trial Judge dismissed the Motion taken out by the petitioners, hereinafter referred to as defendants, for re-transferring the Suit to the Competent Court having pecuniary jurisdiction to entertain and try the Suit. While dismissing the Motion, the learned trial Judge granted liberty to the parties to lead evidence on the issue of pecuniary jurisdiction and observed that the said issue will be decided along with the other issues.

3. Mr. Menon submits that defendants will take out appropriate proceedings for rejection of the plaint under Order VII, Rule 11(b) of the Code of Civil Procedure, 1908, within one week from today and serve copy in advance on the other side. Mr. Jain assures that within one week

from receipt of the proceedings, plaintiff will file reply.

4. In view thereof, the learned trial Judge is requested to decide the said proceedings within two weeks from filing of reply by the plaintiff. The learned trial Judge will bear in mind the order dated 08.07.2011 passed by this Court directing the trial Court to decide the Suit as expeditiously as possible and preferably within 6 months from the date of that order.

5. Petition is disposed of accordingly.

6. All the parties including the trial Court to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

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