

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER (St) NO.13802 OF 2016
with CIVIL APPLICATION (St) No.13803 of 2016

Prafull Coop Hsg soc Ltd & ors ...

.. Appellants

vs

1.Akhtar Yunus Khan & Mumbai

Estate & Infrastructure & Ors

.. Respondents

Mr.Rajiv Narula and Mr.Mohan Jadhav i/b

Mr.Bhupendra Singh for Appellants

Mr.D.D.Singh for Respt no.1

Mr.Prashant Chavan for Respt nos.5,6 and 7.

CORAM: G.S.KULKARNI, J

DATE: 6TH MAY, 2016

P.C.

1. Heard learned counsel for the parties.

2. By this appeal, the appellants challenge the order dated 3rd May, 2016 passed by the learned trial Judge whereby the application as moved on behalf of the appellants/defendant nos.1 to 3 raising a preliminary issue as regards the jurisdiction of the Court to be decided at the ad interim stage has been refused.

3. Having perused the impugned order, it is clear that the contention as urged on behalf of the appellants that the issue of jurisdiction under section 9A of the Code of Civil Procedure be decided as a preliminary issue at the ad interim stage was rightly considered and

rejected by the learned trial Judge. The learned trial Judge would thus be completely within his jurisdiction as section 9A (2) would provide to hear the injunction application for ad-interim reliefs.

4. In the above circumstances, no interference is called for in the impugned order. Appeal from order is disposed of. No order as to costs. Civil Application (St) No.13803 of 2016 does not survive and is disposed of accordingly.

5. At this stage, the learned counsel for the respondents agrees that the injunction motion for the principal reliefs as it seeks and the motion raising preliminary issue on the jurisdiction of the Court can be heard and decided together.

6. All contentions of the parties on the merits of the matter are expressly kept open.

G.S.KULKARNI, J

Rng

3

ao13802.16narula

Rng

4

ao13802.16narula

Rng

5

ao13802.16narula

Rng

6

ao13802.16narula