

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO. 6915 OF 2015
WITH
CIVIL APPLICATION NO. 2406 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shailendra Singh i/b J.P. Consulta for the Petitioner.

Mr. H.K. Vaidyanathan for the Respondent.

CORAM : K. K. TATED, J.

DATED : 17/06/2016

PC.:

. Heard learned Counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the petitioner original Defendant Nos. 1, 3 and 11 challenges the order dated 12.11.2014 passed by Bombay City Civil Court at Bombay in Notice of Motion No. 1322 of 2014 dismissing their application for framing preliminary issue about the jurisdiction of the Trial Court to decide the suit in view of Section 80 of Maharashtra Public Trust Act.

3 The learned Counsel for the respondent plaintiff after taking instructions from his client makes a statement that they have no objection if the preliminary issue is framed about the jurisdiction of

the Trial Court in view of Section 80 of Maharashtra Public Trust Act. To that effect, he has given in writing. The said pursis dated 17.06.2016 is taken on record and marked "X" for its identification.

4 Hence, by consent of both the parties, following order is passed:

a) The impugned Order dated 12.11.2014 passed by Bombay City Civil Court at Bombay in Notice of Motion No. 1322 of 2014, is set aside.

b) Trial Court is directed to frame the preliminary issue about maintainability of suit, in view of Section 80 of Maharashtra Public Trust Act. The preliminary issue to be decided as early as possible.

c) All contentions of both the parties are kept open.

d) Writ Petition stands disposed of accordingly.

e) In view of disposal of the Writ Petition, nothing survives in the Civil Application. Hence, same is dismissed as infructuous.

(K.K.TATED, J.)