

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1084 OF 2008

M/S COSMO FILMS LIMITED
VERSUS
VITTALA DEVINI BALAJI

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Advocate for Appellant : Mr. Lalit Deshmukh h/f. Mr. Sachin V. Dankh
Advocate for Respondent : Mr. S. R. Deshpande.

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CORAM : K.K. SONAWANE, J.

DATED : 21ST NOVEMBER, 2017.

Order :-

Heard learned counsel for appellant. This Court under Order dated 14th November, 2017, directed the Registrar (Judicial) of this Court to verify the factual aspect about the valuation of the present proceedings and pecuniary jurisdiction of the Court to entertain the matter. Accordingly, the Registrar (Judicial) filed report dated 20-11-2017, which is placed on record. He fervidly contends that the valuation of the present appeal is Rs.13,84,544/- excluding the future interest. In view of recent amendment in Maharashtra Civil Courts Act, the District Court has pecuniary jurisdiction to entertain the present first appeal. Therefore, he recommended to remit back present first appeal to the District Court, Aurangabad, for its just and proper adjudication on merit.

2. In view of report of the Registrar (Judicial) and the attending circumstances in regard to valuation of present appeal, I do not find any impediment to remit back present first appeal to the District Court, Aurangabad, for its adjudication on merit. Accordingly, the matter be transmitted to the concerned District Court to entertain present appeal within the ambit of Law. The Registry to take requisite steps for further process.

3. It is to be noted that the litigation amongst parties for recovery of amount is pending since year 2005. The present appeal is subjudice since year 2008. The amendment to the Maharashtra Civil Courts (Amendment) Act, 2015, in regard to pecuniary jurisdiction as contemplated under Section 28 (C) came to be effected from 29th July, 2015. Accordingly, First Appeals pending before the High Court required to be transmitted to the concerned District Court for adjudication on merit. But, unwittingly present appeal kept pending before this Court for awaiting its finality on merit. In this circumstances, it would justifiable to direct the concerned District Court, Aurangabad, for expeditious hearing into the appeal and shall take efforts to adjudicate the appeal on merit at the earliest preferably within eight months from it's receipt.

4. The Registrar (Judicial) to communicate aforesaid order to the concerned Court for further compliance.

5. The record and proceedings called in this appeal shall also be remitted back immediately with present appeal to facilitate the concerned District Court to proceed further for finality of the matter at the earliest. Accordingly, first appeal be removed from the board.

[K. K. SONAWANE]
JUDGE

rrd.