

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 642 OF 2015

MUNICIPAL COUNCIL DHARANGAON, JALGAON
VERSUS
ASHISHKUMAR CHATURUBHUJ BAJPAI

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Advocate for Petitioner : Shri Malte Uday S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 19, 2017

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PER COURT :-

1. The petitioner is aggrieved by the impugned order dated 13.6.2014 passed by the appellate Court in Misc. Civil Appeal No.38 of 2014, only to the extent of the direction given in the operative part of the order as regards an opportunity of hearing to the sole respondent.

2. The petitioner is not aggrieved by the direction of the appellate court by which the trial Court is to frame a preliminary issue as regards its jurisdiction under Section 301-A read with Section 189 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

3. By order dated 27.2.2017, this Court had observed that the trial Court should proceed with the preliminary issue on the point of jurisdiction as directed by the appellate Court.

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4. Learned counsel for the petitioner informs that the parties have submitted a purshis before the trial Court for closing their evidence on the preliminary issue and oral submissions would be canvassed in the near future.

5. I have perused the directions issued by the appellate Court in the operative part of the order. It is with regard to a hearing to be given to the respondent / original plaintiff. The said direction is dated 13.6.2014 and this Court has not granted any interim relief to the petitioner till this date.

6. Considering the above, this petition is disposed off with the observation that the directions issued by the appellate Court with regard to the hearing to be granted to the original plaintiff would be subject to the result of the RCS No. 23 of 2003.

(RAVINDRA V. GHUGE, J.)

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