

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

948 CIVIL APPLICATION NO. 12808 OF 2017
IN CRA/195/2016

ABDUL MOIZ MOHAMMAD ABDUL SATTAR
VERSUS
REGIONAL HEAD, (HUMAN RESOURCES) HDFC BANK LTD. AND
OTHERS

...

Advocate for Applicant : Mr. N. V. Gaware.
Advocate for Respondents No. 1 to 5 : Mr. Narwadkar

CORAM : K. L. WADANE, J.

DATE : 11th October, 2017

ORDER:

1. This is an application for clarification/modification of the order passed by this Court in Civil Revision Application No. 195/2016 on 23.08.2017.

2. The present applicant/original plaintiff had filed Reg. Civil Suit No. 207/2013 before the Civil Judge, Senior Division, Nanded for the relief of declaration and mandatory injunction against the respondents.

3. The respondents/original defendants appeared in the said proceedings and filed Application Exh. 49 under section 9-A and 21 of the Code of Civil Procedure. That application was heard and allowed by the learned Trial Court. Against that order present

applicant preferred above mentioned revision application. The revision application was heard and decided and finding recorded by the trial court is confirmed.

4. Mr. Gaware, learned Counsel appearing for the applicant/original plaintiff, submits that when the application filed under section 9-A of the Code of Civil Procedure Code is allowed, in that event, it was for the Trial Court to return the plaint for its presentation in proper Court as per the Order VII Rule 10 of the Code of Civil Procedure.

5. From the record it appears that, the learned Trial Court has allowed the application holding that it has no jurisdiction to try and decide the suit. In such circumstances, it was for the Trial Court to return the plaint under the provisions of Order VII Rule 10 of the Code of Civil Procedure and therefore it appears that, necessary clarification/modification needs in the order passed by this Court in Civil Revision Application No. 195/2016 and in the continuation of that order it is directed to the learned Trial Court to return the plaint as per the provisions of Order VII Rule 10 of the Code of Civil

Procedure for its presentation in the Court having territorial jurisdiction. With this direction, this civil application is disposed of.

(K. L. WADANE, J.)

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