

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION 1133 NO. OF 2015

Deelip (Dilip) Manohar Pathare	..Petitioner.
V/s.	
Mohini Manohar Pathare & Ors.	..Respondents.

Mr.C.P. Deogirikar for the Petitioner.
Mr.Karan Thorat for Respondent Nos.1 & 2.
Mr.U.L.Shah for Respondent No.3.

CORAM : N.M.Jamdar, J.

DATED : 9 February, 2017

P.C. :-

By this petition, the Petitioner is challenging the order passed by the learned Small Cause Court Judge, Mumbai date 11 March, 2014 holding that the Small Cause Court has jurisdiction to try the suit. A revision application filed by the Petitioner has been dismissed on 13 November, 2014.

2. Considering the fact that the parties are closely related, an attempt at mediation was also made however, it was not successful. Having considered all aspects of the matter and that the impugned orders are passed in the year 2014 and there is no stay to

the proceedings of the suit, I am inclined to keep the issue urged by the learned counsel for the Petitioner regarding the jurisdiction of the Small Cause Court open in case the final decision in the suit is against the Petitioner.

3. The learned counsel for the Petitioner then submitted that in view of certain subsequent developments, the suit cannot proceed. Since the suit is pending, the Petitioner can always take such contention as may be available in law in view of the subsequent events, if any. With this clarifications, the writ petition is disposed off.

(N.M.Jamdar, J.)