

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1586 OF 2017

Sacchanand Gogumal Lakhwani

... Petitioner

Vs.

The Panvel Municipal Corporation & ors.

... Respondents

Mr.Bhushan Walimbe for the Petitioner

Mr.N.R. Bubna for Resp. No.1

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JUNE 16, 2017**

P.C. :

1. This petition is filed under Article 227 of the Constitution of India challenging the common order dated 3.1.2017 passed by the learned JMFC, Panvel thereby directing the petitioner to amend the cause title of respective municipal appeals as the Panvel Municipal Council is converted into Panvel Municipal Corporation. The learned Judge has passed a detailed order. The Panvel Municipal Council is now converted into Panvel Municipal Corporation since 1.10.2016 and therefore, under the new Act, the Municipal Appeals shall be filed and tried before the Civil Judge, Senior Division. Earlier, appeals were filed and triable by Judicial

Magistrate First Class. Thus, due to the conversion, there is change of forum.

2. The Municipal Appeals which are pending prior to this conversion before the respective JMFC of Panvel shall remain with the same Court and are to be tried by them under the old Act i.e., the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the new appeals which are filed after 1.10.2016 under the new Act i.e., the Maharashtra Municipal Corporation Act are to be tried by Civil Judge, Senior Division.

3. This order is passed to clear the confusion. The learned JMFC to endeavour to dispose of the matters as early as possible.

4. The petitioner may carry out the necessary amendments in respect of cause title, if required, in the main proceedings.

5. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)