

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

WRIT PETITION NO.2636 OF 2015
WITH
WRIT PETITION NO.2637 OF 2015

SYED SADEK SYED HABIB
VERSUS
FATEH MOHD JAAN MOHD RAJ AND ANOTHER

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Advocate for the Petitioner : Shri Deshpande Ajay S.
Advocate for Respondent 1 : Shri L.V.Sangeet.
Advocate for Respondent 2 : Shri Paithankar Prakash B..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th December, 2018

Per Court:

1 I have heard the learned Advocates for the respective sides. In both these matters, the issue raised is as regards the maintainability of the suit under Section 9-A, which is the Maharashtra Amendment to the Code of Civil Procedure. The Trial Court has rejected the application by the impugned order.

2 Notwithstanding the submissions of the learned Advocates, the change in law would have a direct impact on this case in view of the specific clauses introduced by the Maharashtra Ordinance No.XVIII of 2018 by way of amendment to the Code of Civil Procedure restricted to the State of Maharashtra. By the said ordinance, Section 9-A of the Code,

which was introduced as the Maharashtra Amendment, has now been deleted. All objections raised by the litigant under Section 9-A are now to be entertained as objections under Order 14 Rule 2 of the Code of Civil Procedure. It is also provided in the ordinance that such objections would be tried along with all the issues in the suit.

3 In view of the above, both these Writ Petitions are disposed of with the observation that the objection raised in the pending suit insofar as the jurisdiction of the Court is concerned, would now be entertained by the Trial Court under Order 14 Rule 2 and the said aspect would be dealt with along with all the issues while deciding the suit, save and except, if the said issue has not been earlier decided between the parties.

4 The learned Advocates request for expediting the suit as the same is pending from 2008. In view of the said request, the Trial Court shall decide the pending suit expeditiously and in any case, on or before 31.08.2019.