

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3699 OF 2018

VARSHA ANNASA KSHATRIYA
VERSUS
NARESH CHANDRAMAL GALANI

Advocate for Petitioner : Shri G.V. Wani.
Advocate for Respondent : Smt. C.S. Deshmukh.

CORAM : RAVINDRA V.GHUGE, J.
DATED : 13th August, 2018.

PER COURT :

1. While issuing notice, I had passed the following order on 11/07/2018 :

"1. Issue is as regards Section 9-A Maharashtra Amendment under the Code of Civil Procedure.

2. At the request of the respondent/caveator, who has just now received the copy of the petition paper book, stand over to 24/07/2018 in the supplementary board.

3. The Trial Court would adjourn RCS No.40/2016 until the next date of hearing in this matter."

2. I have considered the submissions of the learned advocates for the respective sides. Learned advocate for the respondent submits that a discretionary order has been passed which does not call for any interference and this petition may be dismissed. In the alternative, it is submitted that if this Court is likely to entertain this petition, the

objections raised by the respondent can be considered by the Trial Court under Order XIV Rule 2 of the Code of Civil Procedure.

3. By Maharashtra Ordinance No. XVIII of 2018 dated 27/06/2018, issued by the competent authority under the Code of Civil Procedure, the Maharashtra amendment introduced in the form of Section 9 A to the Code of Civil Procedure, has been done away with. It is also provided that such objections under Section 9 A can now be entertained by the Trial Court under Order XIV Rule 2 while deciding all the issues.

4. In view of the above, the impugned order would not survive. This petition, is therefore, partly allowed. Needless to state, as the impugned order would lose its efficacy in view of the amendment dated 27/06/2018, the objections raised by the respondent can be dealt with by the Trial Court under Order XIV Rule 2 while deciding all the issues together.

5. In the event the pendency of civil cases before the trial Court is not too large, the litigating sides would be at liberty to request the trial Court for an expeditious hearing.

(RAVINDRA V.GHUGE, J.)