IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION No.381 OF 2016

Dnyandev Krushna Kokare ... Applicant

Vs.

Mahadev Krushna Kokare & Ors. … Respondents

Mr.Swaroop Karade i/b S.S. Shah for the Applicants

Ms.Geeta Mulekar for Respondent No.2

Mr.A.R. Patil, AGP, for Respondent Nos.3 & 4

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 30, 2018

P.C. :

1. This Civil Revision Application is directed against the order dated 8.3.2016 passed by the learned 2nd Joint Civil Judge Senior Division, Solapur, thereby holding that the Court has jurisdiction to try and entertain the suit. The trial Court has passed this order after framing preliminary issue under Section 9A of the Code of Civil Procedure, 1908.

2. In view of the Maharashtra Ordinance No. XVIII of 2018 dated 27th June, 2018, saving clause 3(2) and the proviso thereto, this Civil Revision Application abates.

3. The trial Court to proceed. It is made clear that if at all, evidence is led before the trial Court, then, it is saved and the issue can be raised in Appeal. Pursuant to the Ordinance, if there is no enactment, then the learned Counsel for the applicants is given liberty to recall this order.

4. The Application is accordingly disposed of as abated.

(MRIDULA BHATKAR, J.)

Vishwanath Satyanarayana Sherla

Digitally signed by Vishwanath Satyanarayana Sherla
Date: 2018.08.01 16:49:47 +0530