

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 444 OF 2015
WITH
CIVIL APPLICATION No. 1234 OF 2018 IN W.P. NO. 444 OF 2015
A/W.
WRIT PETITION NO. 445 OF 2015
WITH
CIVIL APPLICATION No. 1235 OF 2018 IN W.P. NO. 445 OF 2015

Dena Bank	... Applicant
Vs.	
Shivanand Shankar Kore & Ors.	... Respondents

Ms. Pooja Khandeparkar I/b. Mr. K.D. Shukla, Advocate for the applicant.
Mr. Pradip R. Kadam. Advocate for the respondents.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **10th August, 2018.**

P.C.:

Both these Writ Petitions are directed against the order dated 21st June, 2013 passed by the learned Civil Judge, Senior Division, Thane where the trial Court has held that it has already framed the issues and, therefore, the issue of jurisdiction cannot be decided as preliminary issue but it can be considered under Order 14.

2. The learned counsel for the petitioner/bank has submitted that the trial Court has observed that it is a issue of law and, therefore, covered under Order 14 Rule 2 of the Code of Civil Procedure, so

that can be decided in the beginning before giving finding on the said issues. The learned counsel relies on the judgment of the Hon'ble Supreme Court in the case of **Sejal Glass Limited vs. Navilan Merchants Private Ltd., reported in (2018) 11 SCC 780.**

3. The learned counsel for the respondents supported the order passed by the learned trial Judge.

4. Heard the submissions. The trial Court has already framed issues and in that, the issue of jurisdiction can be considered. In view of deletion of Section 9A of Code of Civil Procedure, no preliminary issue can be taken, however, the trial Court may consider the issue of jurisdiction under section 14(2), as it is a question of law or it can also decide all the issues on merit. The trial Court to expedite the suit within three months.

5. Both the Writ Petitions are disposed of. Civil Applications are accordingly disposed of.

(MRIDULA BHATKAR, J.)