

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

CIVIL REVISION APPLICATION No. 248 OF 2018

Anil Shirang Kulkarni & Ors.

...Applicants

Versus

Shyamrao Laxman Shinde

...Respondent

.....
Mr.Ashutosh Kulkarni a/w. Mr.Gaurav Sharma for the Applicants.
Mr.G.S.Godbole a/w. Mr. D.J.Deshmukh for the Respondent.
.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 02, 2018**

P.C. :

1. This Civil Revision Application is directed against the order dated 3rd February, 2018 passed by the learned Jt. Civil Judge, J.D., Vita, holding that the Court is having jurisdiction. The order is passed on the application filed by defendant no. 1 below exhibit 01 in Regular Civil Suit No. 123 of 2016 for framing the preliminary issue. While answering the preliminary issue, the learned Judge of the trial Court has held that Civil Court has jurisdiction.

2. The learned Counsel for the applicants submits that pursuant to the Maharashtra Ordinance No. XVIII of 2018 dated 27th June, 2018, Section 9A of the Code of Civil Procedure, 1908 is deleted. However, it is not an enactment. Hence, he prays that he be allowed to file a fresh application or recall this order.

3. In view of the Maharashtra Ordinance No. XVIII of 2018 dated 27th June, 2018, saving clause 3 (2) and proviso thereto, this Civil Revision Application abates with reserving the rights of the applicants. The trial Court to proceed.

4. Accordingly, the Civil Revision Application is disposed of as abated.

5. Liberty to recall this order if there is no enactment.

(MRIDULA BHATKAR, J.)