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

WRIT PETITION NO. 2456 OF 2014

Govindram Topandas Kachhela & Anr.	...Petitioners.
vs	
Bhagwandas Topandas Kachhela	...Respondent.

.....
Mr S.B.Deshmukh for the Petitioners.
Mr M.M.Sathaye for the Respondent.
.....

**CORAM : B.P.COLABAWALLA, J.
DECEMBER 12, 2018.**

P.C. :

By this Writ Petition, the Petitioners challenge the order passed by the Trial Court dated 18th February, 2014 passed below Exh.29 in Regular Civil Suit No.490 of 2013. Exh. 29 was an application seeking a direction to the Plaintiff to value the suit properly and thereafter pay the court fees. When this application was heard, the Trial Court was of the view that this application was filed under Order VII Rule 11 of the Code of Civil Procedure, 1908. However, it was contended by the Defendant that this application was actually to frame the preliminary issue of jurisdiction under Section 9A. It is this order that is challenged in the Writ Petition.

2 For the sake of argument, I shall assume that the application below Exh.29 was an application that was filed under Section 9A. Even if that was so, it would make no difference for the simple reason that Section 9A has now been repealed by Maharashtra Act No.LXI of 2018. Since Section 9A has been repealed and no finding has given on the issue of jurisdiction, nothing will survive in this Writ Petition. It is accordingly dismissed as infructuous. There shall be no order as to costs. The issue of jurisdiction can be decided by the Trial Court along with all the other issues.

(B.P.COLABAWALLA, J.)