

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CIVIL REVISION APPLICATION NO.183 OF 2018

Welspun India Limited and others] Applicants

Vs.

Lily Packers Private Limited & Ors.] Respondents

WITH

CIVIL APPLICATION NO.439 OF 2018

Lily Packers Private Limited]

through its authorized representative]

Mr. Udairaj S. Lakhara] Applicant

IN THE MATTER BETWEEN:

Welspun India Limited]

through Directors and Officers and]

and others.] Applicants

Vs.

Lily Packers Private Limited]

through its authorized representative]

Udayraj S. Lakhara and others] Applicants

WITH

CIVIL APPLICATION NO.273 OF 2018

Welspun India Limited

and others] Applicants

IN THE MATTER BETWEEN:

Welspun India Limited]

and others.] Applicants

Vs.

Lily Packers Private Limited]

and others.] Respondents

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Mr. R.A. Thorat, Sr. Advocate a/w Ms. Saeed Redij a/w Mr. Ayush Sharma i/b Joy Legal Consultants, for Applicant.

Ms. Madhupreetha Elargo i/b M/s. Wadia Ghandy & Co., for applicant in Civil Application and Respondents in C.R.A.

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CORAM : R.G. KETKAR, J.

DATE : 6TH AUGUST, 2018.

P.C.

Not on board. At the request of Mr. Thorat, taken up for admission.

2. Heard Mr. Thorat, learned Senior Counsel for the applicant and Ms. Elargo, learned Counsel for applicant in Civil Applications and respondent in C.R.A.

3. As per the Administrative order of the Hon'ble Acting Chief Justice, the matter is moved before me as regular Court has passed order "Not Before Me". This Civil Revision Application challenges the order dated 30th January, 2018 passed by the learned trial Judge in Suit No.2343 of 2017. Defendants No.1 to 4 took objection to the jurisdiction of the City Civil Court. While hearing Notice of Motion taken out for interim relief, the learned trial Judge framed following preliminary issue;

"Whether this Court has jurisdiction to try the suit?

It is common ground between the parties that they did not adduce evidence and the learned trial Judge answered preliminary issue in the affirmative and held that City Civil Court has jurisdiction to try the suit.

4. Mr. Thorat invited my attention to Maharashtra Ordinance No.XVIII of 2018 and in particular clause 3 thereof. He submitted that by this Ordinance, Section 9-A of the Code of Civil Procedure, 1908 (for short 'C.P.C') is deleted and the consequences are provided in clause 3 of the Ordinance. In lieu of clause (3), this C.R.A stands abated. Ms. Elargo did not dispute this aspect.

5. In view thereof, C.R.A is disposed of as abated reserving liberty to the parties to adopt appropriate proceedings.

6. In view of disposal of main C.R.A., C.A No.439 of 2018 and C.A. No.273 of 2018 do not survive and the same are disposed of. Order accordingly.

[R.G. KETKAR, J.]