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

CIVIL REVISION APPLICATION NO. 543 OF 2017

Rajgurunagar Co-op.Bank Ltd.

...Applicant.

vs

Ram Bhimandas Sakhrani & Ors.

...Respondents.

.....

Mr S.S.Kanetkar for the Applicant.

Mr Sangharsh Waghmare I/b Mr Ravi P. Jadhav for the Respondents.

.....

**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 28, 2018.**

P.C. :

This Civil Revision Application has been filed challenging the Judgment and Order dated 13th February, 2017 passed by 10th Joint Civil Judge, Senior Division, Pune, on an application filed by the applicant below Exh.20 in Regular Civil Suit No.234 of 2017. Exh.20 was an application filed by Defendant No.2(the applicant herein) for deciding the issue of jurisdiction under Section 9A of the Code of Civil Procedure, 1908 as a preliminary issue. The Trial Court, by a detailed Judgment and Order held that it had jurisdiction to entertain the suit. It is this order that has been challenged in the present Civil Revision Application.

2 Mr Kanetkar, learned advocate appearing on behalf of the applicant fairly pointed out to me that now an Ordinance has been passed by the Government of Maharashtra, being Maharashtra Ordinance No.XVIII of 2018. This Ordinance is called the Code of Civil Procedure (Maharashtra Amendment) Ordinance, 2018 and comes into force at once. By this Ordinance Section 9A of the Code of Civil Procedure, insofar as it applies to the State of Maharashtra, stands deleted. He pointed out that Section 3(2) of this Ordinance clearly stipulates that in all cases, where a preliminary issue framed under Section 9A has been decided, holding that the Court has jurisdiction to entertain the suit, and a challenge to such a decision is pending before the Revisional Court, on the date of the commencement of the Amendment Ordinance shall stand abated. He further pointed out that the proviso to Section 3(2) stipulates that where a decree in such a suit is appealed from, any error, defect or irregularity in the order upholding jurisdiction shall be treated as one of the grounds of objections in the memorandum of appeal as if it had been included in such memorandum. Mr Kanetkar fairly pointed out that in view of the clear provisions of Section 3(2) of the said Ordinance, this Civil Revision Application would stand abated and can be disposed of accordingly.

3 Considering that Section 9A has been repealed and in view of the clear provisions of Section 3(2) of the said Ordinance, in the facts of the present case, this Civil Revision Application stands abated and is disposed of accordingly. However, there shall be no order as to costs.

(B.P.COLABAWALLA, J.)