

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.7100 OF 2018**

Shabbir Noor Mohamed Patel] Petitioner

Vs.

Shadab Shabbir Patel] Respondent

.....

Mr. Sameer Pandit i/b Wadia Ghandy & Co., for Petitioner.

Mr. Khan Javed Akhtar, for Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 5TH JULY, 2018.

P.C:

Not on board. At the request of Mr. Pandit, taken up in the production board.

2. Heard Mr. Pandit, learned Counsel for the petitioner and Mr. Khan, learned Counsel for the respondent.

3. This Petition takes exception to the order dated 20th February, 2018 passed by the Appellate Bench of the Court of Small Causes at Mumbai in Revision Application No.127 of 2017. By that order, the Appellate Court allowed the Revision Application and set aside order dated 10th November, 2017 passed by the learned trial Judge below Exhibit 17 in in L.E. Suit No.15 of 2015 and directed the trial Court to frame preliminary issue under section 9-A of the Code of Civil Procedure, 1908 (for short 'C.P.C') and decide the same in accordance with law. It is common ground between the parties that in view

of the Ordinance issued by the State of Maharashtra, Section 9-A of the C.P.C is deleted.

4. In view thereof, impugned order is liable to be set aside. The learned trial Judge now will not frame preliminary issue under section 9-A of the C.P.C. Order accordingly.

[R.G. KETKAR, J.]