

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

WRIT PETITION(ST)NO.19674 OF 2017

The President/Secretary

Progressive Education Society & Ors.

.. Petitioners

Vs.

Chandrakant A. Arkade & Ors.

.. Respondents

Mr. Rakesh P. Saroj for the petitioners.

Ms. Vaishali Nimbalkar, AGP, for respondent nos.2 to 4.

CORAM : A.K. MENON, J.

DATED : 21ST FEBRUARY, 2018.

P.C. :

1. By this petition, the petitioner seeks to quash and set aside the impugned order dated 27th April, 2017 passed on Exhibit 25 which was an application seeking framing of a preliminary issue as to jurisdiction of the Tribunal. By the impugned order, the application stands rejected.
2. The learned counsel for the petitioner submits that the Tribunal has no jurisdiction to try the appeal in view of the fact that the order impugned merely rejects the request of framing of a preliminary issue. I am not inclined to interfere with the order, however, it will be always open to the petitioner to raise all issues before the Tribunal including that of jurisdiction at the hearing of the appeal. It is accordingly

ordered.

3. In view of the above, writ petition is disposed of keeping all issues open.
4. No orders as to costs.

(A.K. MENON,J.)

wadhwa