

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

*CIVIL APPLICATION NO. 1174 OF 2016
IN
SECOND APPEAL NO. 239 OF 2017*

Daar UI Rehmat Trust & Anr. ... Applicant

IN THE MATTER BETWEEN

Daar UI Rehmat Trust & Anr. ... Appellants

Versus

Shri Sayed Munawwar Ali & Ors. ... Respondents

Mr. Usmaal Kohir for Applicants/Appellants.
Mr. Saurabh Oka for Respondent Nos.1 to 3.

*CORAM : N. M. Jamdar, J.
DATE : 16 January, 2018.*

P.C.

. Heard learned Counsel for the parties.

2. The Second Appeal is admitted on the substantial question of law regarding the jurisdiction of the Civil Court. The learned Counsel for the Applicants submits that the School is not in

existence which is controverted by the learned Counsel for the Respondents stating that the School is merged with the Girls School. The Respondents/Plaintiffs are not in service since the year 2002. Question of law is raised whether Civil Court can, in effect, grant relief of reinstatement or could have only granted damages. In these circumstances, there will be an interim relief in terms of prayer clause-(b).

3. In case the Respondents/Plaintiffs decide to approach another competent forum for redressal of their grievances, it will be open to the Respondents/Plaintiffs to apply for early hearing and disposal of the Second Appeal on the premise that the Civil Court had no jurisdiction.

4. The Civil Application stands disposed of in terms of prayer clause (b).

(N.M. Jamdar, J.)