

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****NOTICE OF MOTION NO. 173 OF 2013****IN****SUIT NO. 1513 OF 2012****International Asset Reconstruction Company
Pvt. Ltd.****..... Applicant****IN THE MATTER BETWEEN****Jayant Vitamins Ltd. & Anr.****..... Plaintiffs****VERSUS****Bank of Baroda & Ors.****..... Defendants**

None for the Plaintiff.

Mr.Nikhil Rajani, i/b. V.Deshpande & Co. for the Applicant.

Ms.Jaitali Mathuria, i/b. Anant B.Shinde & Co. for the Defendant no.1.

Ms.Heena Shaikh, i/b. M.V.Kini & Co. for the Defendant no.3.

CORAM : R.D. DHANUKA, J.**DATE : 30th NOVEMBER, 2018****P.C.**

By this notice of motion, the applicant (original defendant no.2) prays that the issue of jurisdiction raised under section 9A of the Code of Civil Procedure, 1908 be tried as a preliminary issue. In view of the deletion of section 9A of the Code of Civil Procedure, 1908 by notification dated 27th June, 2018, this notice of motion is not maintainable. It is however made clear that the issue of jurisdiction raised by the defendant no.2 can be framed as issue under Order 14 Rule 2 of the Code of Civil Procedure, 1908 and can be tried along with other issues. Notice of motion is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]