

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.21 OF 2019

Hazi Nazir Ahmed A. Razaq
@ Najju Pahelwan and Others

APPLICANTS

VERSUS

Shaikh Mushtaq Ahmed and Others

RESPONDENTS

.....

Mr. Niteen V. Gaware, Advocate for the applicants
Mr. Atul B. Gatne, Advocate for respondent No.1 and 2
Mr. S. N. Kendre, AGP for respondent - State

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 30th JANUARY, 2019

ORDER :

1. Present civil revision application takes exception to order passed by District Judge – 9 Ahmednagar, rejecting application Exhibit-78 in Trust Application No. 3 of 2012, filed at the instance of present applicants for framing and decision on issue with regard to jurisdiction of the authority.
2. Mr. Gatne, learned advocate for respondents No. 1 and 2 submits that the present civil revision application would no longer be tenable having regard to provisions of Maharashtra Act No. LXI of 2018 and the same stands abated.
3. However, Mr. Gaware, learned advocate for the applicants

apprehends that doors would be permanently closed for agitation on said aspect, having regard to observations in the impugned order.

4. Sub-section (2) of section 3 of Maharashtra Act No. LXI of 2018 reads, thus,

“ 3. Notwithstanding the deletion of section 9A of the Principal Act -

(1)

(2) in all the 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 decision is pending before a revisional Court, on the date of commencement of the Amendment Act, such revisional proceedings shall stand abated :

Provided that, where a decree in such suit is appealed from any error, defect or irregularity in the order upholding jurisdiction shall be treated as one of the ground of objection in the memorandum of appeal as if it had been included in such memorandum.”

5. Having regard to aforesaid proviso, it does not appear that any further observation on that count is necessary. Civil revision application, therefore, stands disposed of as abated.

**[SUNIL P. DESHMUKH]
JUDGE**