

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 APPEAL FROM ORDER NO.14 OF 2019
WITH CA/2881/2019 IN AO/14/2019

LAXMINARAYAN RAMCHANDRA BIHANI DEAD THROUGH L.RS.
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Appellants : Shri Bedre V.S.
AGP for Respondents 1 & 2 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 25, 2019

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PER COURT :-

1. Having perused Sections 9 and 21 of the Civil Procedure Code and having perused Section 10A of the Maharashtra Entertainment of Duty Act, I gave an option to the appellants to deposit an amount of Rs.5,00,000/- with the concerned Commissioner and file an appeal under Section 10A of the said Act, keeping open the issue of interest on the total amount along with damages being Rs.4,91,255/- as in 1993. The time spent by the appellants in litigation from the Civil Court upto this Court would be condoned on this condition.

2. Learned Advocate for the appellants submits that the appellants would prefer to withdraw this appeal and would contest the issue of jurisdiction before the trial Court in view of the impugned directions of the appellate Court.

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3. Considering the above, this Appeal from Order is disposed off as withdrawn on instructions. Pending Civil Application does not survive and stands disposed off. Needless to state, the trial Court shall comply with the directions issued by the appellate Court and while dealing with the aspect of jurisdiction, shall pass a reasoned order.

(RAVINDRA V. GHUGE, J.)

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