

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13229 OF 2018
(Ravindra s/o Ashok Khillari and another Vs. The State of
Maharashtra and others

Mr.Abhijit Choudhary h/f Mr.D.J.Choudhari, Advocate for the
petitioners.
Mr.S.R.Yadav, AGP for respondent Nos. 1 to 6.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/01/2019

PER COURT :

1. The petitioners are aggrieved by the order dated 18/09/2017 by which the Trial Court has framed an issue u/s 9-A (Maharashtra Amendment) to the Code of Civil Procedure.

2. Vide the ordinance dated 27/06/2018, Section 9-A (Maharashtra Amendment) has been deleted and all objections are now to be considered under Order XIV Rule 2 of the CPC alongwith all other issues.

3. In view of the above, the ends of the justice would be met by permitting the petitioners, who are original plaintiffs, to approach the Trial Court and seek an order as to whether the issue framed u/s 9-A will now have to be recast for being considered under Order XIV Rule

2 alongwith all other issues. Needless to state, the Trial Court would hear all the litigating sides on such an application in the light of the ordinance dated 27/06/2018. The petition is, therefore, disposed of with the liberty afore stated.

(Ravindra V.Ghuge, J.)