

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7347 OF 2018

Tejas Dhanyakumar Patil

...Petitioner

vs.

Arun Bapuso Patil and Ors.

...Respondents

Mr. S.S. Koregave, for the Petitioner

None for the Respondents

CORAM : M. S. SONAK, J.

DATE : APRIL 11, 2019

P.C.:

. The challenge in this Petition is to the order dated 22nd December, 2017 by which the amount of Rs. 90,000/- (approx.) was directed to be deposited before the Civil Court since there was a dispute towards the property in which the sugarcane was cultivated.

2. Mr. Koregave, learned counsel for the Petitioner points out that the learned trial Judge has held that it has no pecuniary jurisdiction in the matter and the suit has now been transferred to the Court of Civil Judge Senior Division for the decision in accordance with law. He points out that this means that order is made by the Court which lacks jurisdiction.

3. According to me, this cannot be said to be a case of inherent jurisdiction. In the interest of justice, liberty is granted to apply to the Court Civil Judge Senior Division to which the suit is transferred to seek withdrawal of the amount so deposited. If such application is made, Civil Judge Senior Division shall decide such application in accordance with law and on its own merits by offering opportunity to hear all the concerned parties.

4. With liberty as aforesaid the Petition is disposed of.

(M. S. SONAK, J.)