

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 301 OF 2019
WITH
CIVIL APPLICATION NO. 356 OF 2019
IN
APPEAL FROM ORDER NO. 301 OF 2019**

Harichandra Sadashiv Kudawkar ..Appellant/Applicant

vs.

Ramesh Ramdas Patil & ors. ..Respondents

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Shri Sujay Gavde I/b. Shree & Co. for appellant/applicant.

Shri Prasad Dani, Senior Advocate I/b. Harshad Sathe for
respondent Nos. 1 to 6.

Ms. Chandni Sachade I/b. Mr. Ashutosh M. Kulkarni for
respondent Nos.13 to 16.

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CORAM : M.S.KARNIK, J.

DATE : 7th JUNE, 2019

P.C. :

Learned Senior Counsel Shri Dani for the respondent
Nos. 1 to 6 raised an objection that it is the District Court which
will have the jurisdiction to hear the Appeal from Order in view
of the monetary claim made by the appellant.

2. Learned Counsel for appellant requests that the Appeal may be returned to him for presenting before the District Court which is the proper Court for hearing the same on its own merits and in accordance with law.

3. The office is directed to return the Appeal to the appellant.

4. Learned Counsel for appellant submits that as there is some urgency, the Registry be directed to immediately give Hamdast of the proceedings to the appellant. The request is granted.

5. The Appeal stands disposed of.

6. In view of the return of the Appeal to be presented to the proper court, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

(M.S.KARNIK, J.)