

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1285 OF 2018

M/s. K.M.Ganatra & Co.

...Appellant

Versus

Navalshankar Murji Saudagar & Ors.

...Respondents

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Mr.Girish Godbole a/w. Mr.Piyush Shah i/b. M/s.V. Rama Rao and Associates for the Appellant.

Mr.Rajesh Shah a/w. Mr.Ashish Suryawanshi and Mr.Ankur Kalal i/b. M/s. Markand Gandhi & Co. for Respondent Nos. 1,2A and 2B.

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CORAM : R. D.DHANUKA, J.

DATE : NOVEMBER 13, 2019

P.C.:

1. Since the appellant and respondent Nos. 1, 2A and 2 B have agreed that the impugned judgment and order dated 3rd August, 2018 passed by learned Principal Judge, City Civil Court, Gr. Bombay can be set aside on the ground that the City Civil Court, Bombay having no pecuniary jurisdiction to try, entertain and dispose of the S.C.Suit No. 9747 of 1982 (High Court Suit No. 185 of 1982), service on the other respondents is waived.

2. By consent of the appellant and respondent Nos. 1, 2A and 2B, the impugned judgment and order dated 3rd August, 2018 passed by learned Principal Judge, City Civil Court, Gr. Bombay is set aside. The S.C.Suit No.9747 of 1982 is restored to file before the City Civil Court, Gr. Bombay. The City Civil Court is directed to return the plaint directly to this Court. Office is directed to consider re-return plaint as High Court Suit No. 185 of 1982. It is made clear that this Court has not expressed any views on merits of the matter.

3. First Appeal No. 1285 of 2018 is allowed on aforesaid terms. In view of disposal of First Appeal, all pending Civil Applications in the First Appeal are disposed of. All interim orders, which were in force in S.C.Suit No. 9747 of 1982, also stands restored and would be in force during the pendency of the suit. The City Civil Court is directed to comply with this order within two weeks from the date of communication of this order.

(R.D.DHANUKA, J.)