

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5839/2019

Wasudeo B. Santani

..VS..

Rajesh R. Sangani

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri J.B. Gandhi, Advocate for the petitioner
Shri M.S. Sarda, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 21/08/2019

Heard.

By the impugned order, the learned trial Judge has rejected the application filed by the defendant praying that the plaint be returned to the plaintiff for proper presentation before appropriate Court, or the plaint be rejected.

The contention of the petitioner is that as Small Cause Court is not established at Akola, the civil suit is being tried by Civil Judge, Senior Division, however, the civil suit is registered as small cause civil suit which is not permissible and the civil suit should be tried as regular civil suit.

The learned advocate for the respondent has pointed out the judgment delivered by this Court in the case of Devidas Mohanlal Gupta vs. Ajesh Suresh Sarvaiyya reported in 2007 (1) Mh.L.J. at page 362 in which it is held that categorization of the suit as regular civil suit or small

cause suit is not relevant for the purposes of adjudication of the civil suit.

I find that the submissions made by the learned advocate for the petitioner cannot be accepted in view of the proposition laid down in the above referred judgment.

Hence, the writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

As the civil suit is of 2005, the trial Court is directed to dispose the civil suit till 30/11/2019.

JUDGE

Ansari