

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO.2308 OF 2020

KIRAN VALJNATHRAO PENSALWAR
VERSUS
RATNAMALA RAMCHANDRA CHIDRAWAR AND OTHERS

...
Advocate for Petitioner : Shri Chandak Raviraj R.
Advocate for Respondents : Shri Muley Pramod N.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 16, 2020
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PER COURT :-

1. The petitioner / original defendant No.2 in Special Civil Suit No.7 of 2006 is aggrieved by an order dated 30.11.2019, by which, his application Exhibit 242 to decide the issue of jurisdiction as a preliminary issue under Order XX Rule 5 of the CPC, has been rejected.

2. The learned Advocate for the petitioner has strenuously criticized the impugned order. He has canvassed the ten grounds formulated in the memo of the petition.

3. The trial Court has considered the deletion of Section 9A (Maharashtra Amendment) of the CPC and has also taken into account that the suit was actually filed in the year 2000 and is 19 years' old. It, therefore, held that all the issues can be tried together.

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2- WRIT PETITION NO.2308 OF 2020

4. I find that the trial Court as taken a pragmatic view and the impugned order cannot be termed as being perverse or erroneous.
5. This petition, being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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