

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.1759 OF 2008
WITH CA/10268/2006 IN FA/1759/2008

M/S A B C INDIA LTD THR MANAGER
VERSUS
M/S TILAKNAGAR INDS LTD

...
Advocate for Appellant : Mr. Hemant Surve
Advocate for Respondent No.1 : Mr. N. S. Choudhary

...
CORAM : K.K. SONAWANE, J.

DATED : 14th FEBRUARY, 2020.

ORDER :-

Perused the memo of appeal and other relevant documents placed on record.

2. It is brought to the notice of this Court that valuation of the subject matter in the instant appeal is shown to be Rs.13,38,324/-. Therefore, in view of the amendment in the Maharashtra Civil Courts Act, the matter is essential to be relegated back to the concerned District Court for its adjudication in accordance with law. The provision of Section 28C reads as under :-

"28C. On the commencement of the Maharashtra Civil Courts (Amendment Act), 2015, all appeals in which the amount of value of the subject matter does not exceed one Crore rupees and pending before the High Court immediately before such commencement, shall stand transferred to the concerned District Court and such District Court may deal with such appeal from the stage which was reached before such transfer or from any earlier stage or de-novo as such court may deem fit;

Provided that, this section shall not apply to any appeals which are pending before the High Court, which are statutorily provided under the relevant enactment before such Court."

2. In view of aforesaid factual aspects, it is imperative to transmit the present proceeding of First Appeal to the concerned District Court, for its adjudication on merit as per the provisions of law. Hence, the matter be transmitted to the concerned District Court, for further process. Registry to do the needful accordingly.

Sd./-

[K. K. SONAWANE]
JUDGE

rrd