

BDP-SPS

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.772 OF 2021**

Shashikant Tukaram Salvi & Ors. ...Petitioner(s)

V/s

Mohammadali Yusuf Bagdadi & Ors Respondent(s)

Mr. Vaibhav Sukdhare a/w Mr. Nadeem Shama i/b Thakordas & Madgavkar and Indu Prakash Tripathi for the Petitioners.

Mr. Madhur Surana a/w Parag Shah for Respondent No.7.

Mr. Yogesh Patil i/b Vijay Patil for Respondent Nos. 22 to 24/SRA.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 5, 2021

P.C.:-

1] It is a settled legal position that in view of 2018 amendment to Section 9A of the CPC, the new issue as is framed in the impugned order dated 24/4/2021 viz “Whether this court has pecuniary jurisdiction to entertain and try the present suit?” can be dealt with along with other issues and not as preliminary issue.

2] As such, order impugned dated 24/2/2021 to that extent is set aside. The said issue need not to be tried as preliminary issue but as regular issue with other issues as are framed.

3] Petition is partly allowed in the aforesaid terms.

(NITIN W. SAMBRE, J.)