

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9052 OF 2014

FASEEHA BEGUM MD. BADUZZAMA KHAN ..PETITIONER

VERSUS

AURANGABAD MUNICIPAL CORPORATION,
AURANGABAD ..RESPONDENT

...

Mr. M. B. W. Khan, Advocate for the Petitioner.
Mr. S. S. Tope h/f Mr. D. N. Bankar Patil, Advocate
for sole Respondent.

...

CORAM : S. V. GANGAPURWALA, J.

DATED : 14th JANUARY, 2022.

PER COURT:-

1. When the matter was called out yesterday, none appeared for the petitioner. The matter was adjourned and kept today.
2. Today also, when the matter is called out, none appears for the petitioner.
3. Mr. Tope, learned counsel appears for respondent.
4. The present petition is filed against the order passed by the Trial Court below Exhibit-31 thereby directing to decide issue of jurisdiction as preliminary issue.
5. According to the respondent, the issue of jurisdiction is required to be dealt with as

preliminary issue. The Civil Court inherently lacks jurisdiction as per the provisions of the Maharashtra Provincial Municipal Corporation Act.

6. The Court has not decided any issue under the impugned order. It has only directed the issue of jurisdiction to be decided as preliminary issue.

7. As none appears for petitioner, the petition is dismissed for non-prosecution. No costs.

(S. V. GANGAPURWALA)
JUDGE