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

CIVIL REVISION APPLICATION NO. 09 OF 2024

Limba Narayan Patel

Applicant

Versus

The State of Maharashtra
and others

Respondents

Ms. Sakshi A. Kale, advocate holding for Mr. A. B. Kale,
advocate for the Applicant
Mr. V. S. Badakh, AGP for Respondent No.1-State.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 18th January, 2024

PC :

Not on board. Taken on board.

The learned AGP submits that the present application is not maintainable since the learned trial Court has not framed preliminary issue under Section 9A of the Code of Civil Procedure, which is no more in existence, but decided the suit on the issue of jurisdiction, being the preliminary issue framed under Order 14 Rule 2 of the Code of Civil Procedure. As such, he pointed out that the appeal needs to be filed against the impugned order before the

concerned District Court.

The learned Counsel for the applicant accepted this position and seeks permission to withdraw this Civil Revision Application with liberty to file appropriate proceeding before the District Court Shahada itself.

In view of the same, the applicant is permitted to withdraw this Civil Revision Application with liberty to file appropriate proceeding against the impugned order before the District Court Shahada, subject to provisions of Limitation Act. Civil Revision Application is disposed of as withdrawn. The learned District Court at Shahada shall consider the period undergone in this Court challenging the impugned order, as per Section 14 of the Limitation Act.

(SANDIPKUMAR C. MORE)
JUDGE

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