

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11430 OF 2024

Raheja QBE General Insurance Company Ltd. .. Petitioner
Versus
City Civil Court, Dindoshi .. Respondent
.....

- Mr. Bomi Patel a/w. Mr. Naval Sharma, Mr. Adithya Athreya and Ms. Mansi Tyagi i./by Tuli & Co., Advocates for Petitioner.
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CORAM : MILIND N. JADHAV, J.
DATE : SEPTEMBER 03, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Patel, learned Advocate for Petitioner.
- 3.** Perused the praecipe dated 03.09.2024 and the Writ Petition.
- 4.** By order dated 20.08.2024, this Court had disposed of Writ Petition No.11430 of 2024, *inter alia*, directing the learned Registrar of the Trial Court to register the suit in accordance with law. It is averred by Mr. Patel in the praecipe filed today that when the said order was placed before the learned Registrar of the Trial Court, the learned Registrar after perusing the order and finding the words ‘in accordance with law’ stated in paragraph No.9 wanted herself to be inconvenienced as to whether the said suit can be registered since the Defendant is a

resident outside the territorial jurisdiction of this country. What is pertinent to note is that this is an anti injunction suit wherein Defendant undoubtedly and in most cases is always beyond the shores of the territorial jurisdiction of this country.

5. Hence it appears that there is some dichotomy or misunderstanding in understanding the directions contained in order dated 20.08.2024. I have perused the praecipe. It is clarified that learned Registrar of Trial Court shall register the suit since it is an anti-injunction suit and after numbering the suit shall place the same before the learned Court hearing the suit relating to anti injunction suit alongwith the Interim Application filed by Plaintiff therein and the learned Court is thereafter directed to determine the said Interim Application strictly in accordance with law.

6. In so far as the Registry of the Trial Court is concerned, they shall register and number the said suit and place it before the appropriate Court. The above directions will clearly suffice the grievance of Plaintiff in the suit proceedings and no further directions are required to be passed. In the event if Registrar finds any difficulty in understanding the text of this order, the Registrar shall place the matter before the Principal District Judge of the concerned Trial Court and ensure that the said suit is registered, numbered and placed before the appropriate Court hearing said suit proceeding.

7. The learned Registrar shall act on a server copy of this order without insisting on a certified copy of this order.
8. With the above directions, praecipe stands disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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