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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8144 OF 2025**

Viraj Profiles Limited

... Petitioner

VS.

The State of Maharashtra through the Ministry ... Respondents
of Revenue Department and Ors

Mr. Harsh Sheth a/w. Ms. Niyati Merchant i/b. MDP Legal for
Petitioner.

Mr. Hamid Mulla, AGP for Respondent No.1-State.

CORAM : GAURI GODSE, J.

DATED : 24th JUNE 2025

ORDER:

1. This petition is filed by the original defendant to challenge the common order passed below Exhibits 17 and 22. The application at Exhibit 17 was filed by the defendant under Order XIV Rule 2 of the Civil Procedure Code, 1908 for framing the preliminary issue of jurisdiction. The application at Exhibit 22 was filed by the plaintiff seeking leave to amend the plaint.

2. By the impugned order, the application at Exhibit 17 is rejected and the plaintiff's application at Exhibit 22 is allowed. Both these orders are purely interlocutory orders. The petitioner can always raise all possible contentions as permissible in law, by filing additional written statement in response to the amended plaint.

3. So far as framing issue is concerned, the issue of jurisdiction can always be framed at the stage of settlement of

issues. The ground raised on behalf of the defendant regarding the bar of Section 85 of the Maharashtra Tenancy and Agricultural Land Act (**'Tenancy Act'**) can be no ground to frame the issue of jurisdiction as a preliminary issue, in as much as, in view of Section 85A of the Tenancy Act, the issue required to be dealt with under the Tenancy Act can always be referred to the Tenancy Court.

4. Hence, this is not a case to interfere with the impugned order in the discretionary jurisdiction under Article 227 of the Constitution of India. It is therefore, clarified that the observations made in the impugned order have been made for a limited purpose of deciding the applications. All contentions on merits will remain open at the time of final hearing of the suit.

5. The petitioner, is therefore, permitted to file additional written statement within six weeks. The petitioner would be at liberty to raise the objection regarding jurisdiction at an appropriate stage of settlement of issues.

6. Subject to the aforesaid observations and keeping the liberty under Section 105 of the CPC open, the petition is dismissed.

7. Needless to clarify that all rival contentions on merits of the parties in the suit are kept open.

(GAURI GODSE, J.)