



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1047 of 2025

[Shri Waman S/o Shamrao Khode and ors. ..vs.. Shri Hukumchand
Manohar Dhote and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Chandekar, Advocate for the petitioners

CORAM : ANIL L. PANSARE J.

DATED : 26-02-2025

Heard.

2. The petitioners – original defendants filed application under Sections 9 and 9A of the Civil Procedure Code, 1908 (for short 'the Code') seeking dismissal of the suit as barred under the provisions of the Maharashtra Land Revenue Code, 1966 read with Section 4 of the Maharashtra Revenue Jurisdiction Act, 1876.

3. The trial Court rejected the application on the ground *inter alia* that the suit as is filed is for permanent injunction and declaration and, therefore, the Civil Court will have jurisdiction to entertain the suit.

4. The argument is that the trial Court has not considered the provisions under Section 4 of the Maharashtra Revenue Jurisdiction Act, which bars Civil Court to exercise jurisdiction in the matters mentioned in the said Section.

5. Having heard learned counsel for the petitioners for some time, since the application was incorrectly moved under Section 9A of the Code, which provision is deleted with effect from 27-6-2018, the purpose of filing petition will be served, if the petitioners are allowed to move application under Order XIV Rule 2 of the Code.

6. The petition is accordingly dismissed with liberty to the petitioners to approach the trial Court under Order XIV Rule 2 of the Code.
7. Writ petition is disposed of in aforesaid terms.

(Anil L. Pansare, J.)

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