



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

Writ Petition No.2181 of 2025

Shri Ram s/o Dayaram Aswani
vs.
Cutchi Memon Jamat, Sadar, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.S. Dhore, Advocate for the Petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **22nd APRIL, 2025.**

The challenge is to the order rejecting the application filed by the petitioner/appellant before the first appellate Court to raise additional ground. It appears that the petitioner intended to raise additional ground that the Civil Court had no jurisdiction to decide the suit. The first appellate Court noted that the said ground has been already raised under Ground No.XX and, accordingly, rejected the application.

02. Apart from the fact that the aforesaid ground appears to have been raised in the appeal memo, it is well settled that the issue of jurisdiction could be raised before the appellate Court. In any case, since there appears necessary pleadings in the from of Ground No.XX, the first appellate Court has rightly rejected the application.

03. The petition is, accordingly, dismissed. The petitioner however may, in argument, raise the ground of jurisdiction of the Civil Court to decide the suit. No costs.

(Anil L. Pansare, J.)