

ORDER BELOW EXH. NO. 15 IN R.C.S. No. 168/2018

[CNR No.MHJG050020902018]

Perused the application filed by defendant to frame preliminary issue. It is contention of defendant that, plaintiff has filed suit for declaration and perpetual injunction against the defendant. As per Section 145 of Electricity Act, this court has no jurisdiction to try present suit. Hence, he requested to allow the application and dismiss the suit.

2. The plaintiff has resisted this application by filing his say below Exh. No. 17. It is contended by plaintiff that, Maharashtra Govt. has deleted Section 9A of Civil Procedure Code. Hence, application is not tenable and as per law. Lastly, he prays to reject the application.

3. Perused the application, say and document on record. Heard Ld., Counsels for both sides. Maharashtra Govt. has passed Ordinance 2018, dtd. 27/06/2018 and deleted Section 9A of Civil Procedure Code, provided that, where issues framed under Order 14 of Civil Procedure Code shall be decided by the court along with all other issues at the time of final disposal of suit itself. Therefore, in my opinion issue as whether, this court has jurisdiction to try suit will be decided along with other issues. Hence, I found no merit in the application. Hence, application is filed.

Date: 31/07/2018
Place : Jalgaon

(D.B.Sathe)
8th C.J.J.D., Jalgaon