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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.6515 OF 2003

Shri Kumarpal Kanmalji Oswal ..Petitioner  
Versus  
Shri Suryakant Ganpatro Shinde & Ors ..Respondents

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None for the Petitioner.  
None for the Respondents.

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**CORAM : M.M. SATHAYE, J.**

**DATE : 9<sup>th</sup> JUNE, 2026**

**P.C. :**

1. None for the Petitioner.
2. By this petition, the Defendant is challenging an order dated 01.01.2003 passed by the Appellate Court holding that the Civil Judge Junior Division has jurisdiction to entertain the concerned suit (R.C.S.No. 1187 of 2000). Perusal of the order indicates that the impugned order was rendered while considering the challenge to the jurisdiction under Section 9A of Civil Procedure Code, 1908 ('CPC', for short), which was in existence at the relevant time.
3. The impugned order was stayed by the Court during pendency of the petition from 2003 till today.
4. In the *interregnum*, Section 9A of CPC has been deleted and as provided under Section 3(2) of the Code of Civil Procedure (Maharashtra Amendment) Act, 2018, in all cases where preliminary

issue is decided holding that the Court has jurisdiction, a challenge to such decision stands abated.

5. In that view of the matter, the challenge in this petition is abated by operation of law.

6. **The petition is accordingly disposed of as abated.**

7. Needless to mention that if decree in the concerned suit is appealed from, any error, defect or irregularity in order upholding the jurisdiction shall be treated as one of the ground of objection in the appeal memo.

8. Registry is directed to intimate this order to Civil Judge Junior Division, Pune or such other Court hearing R.C.S. No. 1187 of 2000

**(M.M. SATHAYE, J.)**