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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO. 30015 OF 2015**

Rambali Bharat Yadav ...Appellant/Orig. Plaintiff  
Vs.

Brihanmumbai Municipal Corp. ...Respondent/Orig.Defendant

Ms. Aparna Devkar i/b. M.P. Vashi & Associates for the Appellants  
Mr. A.V. Diwate for Respondent BMC

**CORAM : MRS. ROSHAN DALVI, J.  
DATED : 30<sup>TH</sup> OCTOBER, 2015**

**P.C. :**

Rule. Returnable forthwith.

1. A notice of motion taken out by the plaintiff has been dismissed by the Bombay City Civil Court. The plaintiff contends that the defendant raised a plea of jurisdiction which has not been heard. The plea may be required to be heard unless the defendants state that they do not desire to press the issue at all and in which case the issue cannot be pressed even at the final hearing.
  
2. Consequently the impugned order passed in the notice of motion taken out by the plaintiff is set aside. The learned Judge is requested to frame and answer issues relating to the

jurisdiction of the Court as a preliminary issue and then dispose off the notice of motion.

3. It is clarified that the ad-interim relief, which was applied for has not been granted. A/O is disposed off accordingly.

**(ROSHAN DALVI, J.)**

**CERTIFICATE**

**Certified to be true and correct copy of the original signed  
Judgment /order.**