



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक ८३]

शनिवार, डिसेंबर १, २०१८/अग्रहायण १०, शके १९४०

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असाधारण क्रमांक १६३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Code of Civil Procedure (Maharashtra Amendment) (Amendment) Bill, 2018 (L. A. Bill No. LXXX of 2018), introduced in the Maharashtra Legislative Assembly on the 30th November 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
Secretary (Legislation) to Government,  
Law and Judiciary Department.

### L. A. BILL No. LXXX OF 2018.

*A BILL*

*to amend the Code of Civil Procedure (Maharashtra Amendment) Act, 2018.*

Mah.  
LXI of  
2018.

WHEREAS it is expedient to amend Code of Civil Procedure (Maharashtra Amendment) Act, 2018, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Code of Civil Procedure (Maharashtra Short title. Amendment) (Amendment) Act, 2018.

- Amendment of section 3 of Mah. LXI of 2018. **2.** In section 3 of the Code of Civil Procedure (Maharashtra Amendment) Act, 2018, for clause (1), the following clause shall be substituted and shall be deemed to have been substituted with effect from the 27th June 2018, being the date of commencement of the said Act, namely :—
- “(1) where consideration of a preliminary issue framed under section 9A is pending on the date of commencement of the Code of Civil Procedure (Maharashtra Amendment) Act, 2018 (hereinafter, in this section, referred to as “the Amendment Act”), the said issue shall be decided and disposed of by the Court under section 9A, as if the said section 9A has not been deleted;”.
- Savings. **3.** Nothing in this Act shall affect the decrees passed by a Civil Court during the period commencing from the 27th June 2018 being the date of commencement of the Code of Civil Procedure (Maharashtra Amendment) Act, 2018 and ending on the date of publication of this Act in the *Maharashtra Government Gazette*.

Mah. LXI of 2018.

Mah. LXI of 2018.

Mah. LXI of 2018.

## STATEMENT OF OBJECTS AND REASONS

The Code of Civil Procedure (Maharashtra Amendment) Act, 2018 (Mah. LXI of 2018) is enacted to amend section 9A of the Code of Civil Procedure, 1908 (V of 1908), in its application to the State of Maharashtra. The said Act of 2018 provides for deletion of section 9A of the said Code and further saving provisions, as a consequences of deletion of the said section 9A. Clause (1) of section 3 of the said Act provides that, in case consideration of a preliminary issue framed under section 9A is pending on the date of commencement of the said Act of 2018, the said issue shall be decided at the time of final decision of itself, along with other issues framed under Order XIV of the Code of Civil Procedure, 1908 (V of 1908).

2. Though, it was intended that such a provision would result in expeditious disposal of the suit itself, it has been observed that in fact the decision of the court on the preliminary issue is prolonged and the litigants are unnecessarily suffered thereby. It is, accordingly, proposed to provide that, where the consideration of a preliminary issue framed under section 9A is pending on the date of commencement of the said Act of 2018, the said issue shall be decided and disposed of by the Court under section 9A as if the said section 9A has not been deleted.

3. It is, accordingly, proposed to amend clause (1) of section 3 of the said Act of 2018 and make suitable consequential saving provisions in that regard.

4. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 29th November, 2018.

DEVENDRA FADNAVIS,  
Chief Minister.