

PART II

RULES RELATING TO THE JURISDICTION OF THE HIGH COURT ON ITS ORIGINAL SIDE

CHAPTER I

ORIGINAL JURISDICTION

26. Holding of Court on Original Side: - A Court for the exercise of the Original Jurisdiction of the High Court on its several sides may be held before one or more Judges of the High Court. Such Judge or Judges may, subject to any rules of the Court, exercise in Court or in Chambers all or any part of the Original Jurisdiction of the High Court.

Note.- The Ordinary Original Civil Jurisdiction of the High Court extends to Greater Bombay as defined in the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. Act No. XVII of 1945), as amended by the Greater Bombay Laws and the Bombay High Court (Declaration of Limits)(Amendment) Act, 1950 (Bom. Act No. VIII of 1950), and as further amended by the Greater Bombay Laws and the Bombay High Court (Declaration of Limits)(Amendment) Act, 1956 (Bom. Act No. LVII of 1956). It includes the following areas:-

1. The Town and Island of Bombay.
2. The limits of the Port of Bombay as defined in the Government Notification in the Political Department No. 6204, dated the 6th June 1930, issued under section 5 of the Indian Ports Act, 1908.
3. The limits of the Municipal Boroughs of Bandra, Parle-Andheri and Kurla and of the Municipal Districts of Ghatkopar-Kirol and Juhu.
4. The under mentioned 28 villages of the Bombay Suburban District :- (1) Bandivali, (2) Chembur, (3) Vadawli, (4) Ambivali, (5) Chakala, (6) Trombay, (7) Bapnala, (8) Brahmanwada, (9) Mandala, (10) Mankhurd, (11) Man Budruk, (12) Mulgaon, (13) Vesava, (14) Madh, (15) Devnar, (16) Borla, (17) Mahul, (18) Anik, (19) Kole-Kalyan, (20) Marol, (21) Mohili, (22) Maravali, (23) Mogre, (24) Shahr, (25) Nanala, (26) Saki, (27) Asalpe (Aspa), (28) Kondivate.

5. The undermentioned villages of the Bombay Suburban District :- (1) Bhandup, (2) Chandavli, (3) Hariali, (4) Kanjur, (5) Kopri, (Near Pawai), (6) Majas (as constituted by section 4A of the Act XVII of 1945), (7) Oshivara, (8) Parajapur (as constituted by section 4A of Act XVII of 1945), (9) Paspoli, (10) Pawai, (11) Tirandaj, (12) Tungve, (13) Vikhroli, (14) Vyaroli.
6. The under mentioned villages of the Thane District :- (1) Akse, (2) Akurli, (3) Areay, (4) Borivali, (5) Charkhop, (6) Chinchavali, (7) Dahisar, (8) Darivali, (9) Dindoshi, (10) Eksar, (11) Gundgaon, (12) Gorai, (13) Goregaon, (14) Kaneri, (15) Kandivli, (16) Kurar, (17) Klerbad, (18) Magathane, (19) Malad, (20) Malvani, (21) Mandapeshwar, (22) Manori, (23) Marve, (24) Maroshi, (25) Mulund, (26) Nahur, (27) Pahadi, (28) Poisar, (29) Sai, (30) Shimpoli, (31) Tulshi, (32) Wadhwan, (33) Valnai, (34) Yerangal.

27. Assignment of work to be made by the Chief Justice:- Suits, summary Suits, Matrimonial Suits, Commercial Causes, Testamentary and Intestate Suits, and matters, Writ Petitions, Company Matters, Land Acquisition References, Income-tax and other tax matters, Insolvency matters, Admiralty and Vice-Admiralty Suits, Disciplinary Matters and all other matters and proceedings in the exercise of the Original Jurisdiction of the High Court shall be heard before such Judges as the Chief Justice shall from time to time appoint.

28. Reference to two or more Judges: - If it shall appear to any Judge either on the application of a party or otherwise, that a suit or matter can be more advantageously heard by a bench of two or more Judges, he may report to that effect to the Chief Justice, who shall make such order thereon as he shall think fit.

¹[28(A) – Whenever one Division Bench shall differ from the decision of any other Division Bench upon a point of law or usage having the force of law, the case shall be directed to be placed before the Chief Justice for decision by a larger Bench. In such a case of different of opinion on a point of law, the Division Bench referring the case shall state the point on which it differs, formulate the question of issue to be answered and refer the case to the Chief Justice for decision by a larger Bench.

1. Inserted by Notification No. G/Amend/1077/2022, dated 24th June, 2022 published in M. G. G. Part IV – C Ext. Ord. dated 30th June, 2022 pg. 3

28(B) – If the question arises in an appeal from an original decree, the questions of law shall alone be referred, and the larger Bench shall return the case with expression of its opinion upon such points of law for final adjudication by the Division Bench which referred it, and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Bench.

28(C) – The provision in sub – rule (A) of Rule 28 shall apply *Mutatis Mutandis* to Single Judges.]

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