

**Maharashtra High Court (Hearing Of Writ Petitions By  
Division Bench And Abolition Of Letters Patent Appeals)  
(Amendment) Act, 2008**

**27 of 2008**

**[14 October 2008]**

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**Maharashtra High Court (Hearing Of Writ Petitions By  
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An Act further to amend the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986. WHEREAS it is expedient to amend the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986 (Mah. XVII of 1986), for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :-

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**1. Short Title And Commencement :-**

(1) This Act may be called the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**2. Amendment Of Section 2 Of Mah. Xvii Of 1986 :-**

In section 2 of the Maharashtra High Court (Hearing of Writ

Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986(Mah. XVII of 1986) (hereinafter referred to as " the principal Act"), in the proviso, the words " and with the previous approval of the State Government" shall be deleted and shall be deemed to have been deleted with effect from the 1st July 1987.

### **3. Amendment Of Section 3 Of Mah. Xvii Of 1986 :-**

In section 3 of the principal Act, --

(a) in sub-section (1), for the words, brackets and figure " arising from a suit or other proceeding (including the applications referred to in section 2) instituted or commenced," the words and figure " arising from the applications referred to in section 2 or an appeal under any statute instituted or commenced," shall be substituted ;

(b) to sub-section (1), the following proviso shall be added, namely :-

" Provided that, the judgement or orders passed by the High Court during the period commencing from the 1st July 1987 and ending on the date of commencement of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008(Mah. XXVII of 2008), in any appeal against judgement or order passed by a single Judge in any such application or appeal, shall be deemed to have been validly passed and shall not be called in question in any court on the ground that no appeal was provided against such judgement or order of a single Judge.";

(c) in sub-section (2), for the words " commencement of this Act" t h e words, brackets and figures " commencement of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008(Mah. XXVII of 2008) " shall be substituted.