

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5185 OF 2015**

Shri Ravindran Pillai

..Petitioner

Vs

Shri Sampat Jaywant Nimbalkar

.. Respondent

Mr.A.V.Anturkar, Senior Advocate, i/b Sugandh Deshmukh,
Advocate for Petitioner.

CORAM : R.G.KETKAR,J.

DATE : 15/06/2015

PC:

1. Heard Mr. A.V.Anturkar, learned senior counsel for the petitioner.
2. By this Petition under Article 227 of the Constitution of India, original defendant no.8 has challenged the Judgment and order dated 18.2.2014 passed by the learned Jt. Civil Judge, Sr Dn., Pune below Exhibit 93 in Spl. Civil Suit No.1756 of 2006. By that order, the learned trial Judge rejected the application taken out by defendant no.8 under Order 39 Rule 4 of the Code of Civil Procedure, 1908 (for short, C.P.C.).
3. Having regard to the fact that the petitioner has equally efficacious alternate remedy under Order 43 Rule 1(i), it is not possible to entertain this Petition. The petitioner has statutory remedy by filing Appeal under Order 43 challenging the impugned order. Hence, the Petition is dismissed as not

maintainable. It is made clear that I have not examined merits of the case. All the contentions of the parties to be raised in Appeal, are kept open. Order accordingly.

(R.G.KETKAR, J.)