

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7177 OF 2015

Kailash Baban Pathare ... Petitioner
Vs.
M/s. Giridhar Creations through its Partners & ors. ... Respondents
Mr. Avinash B. Patil for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : 27TH JULY, 2015

P.C. :

Heard Mr. Patil, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, original defendant No.10 has challenged the judgment and order dated 17.04.2015 passed by the learned Joint Civil Judge, Senior Division, Pune below exhibit-328 in Special Civil Suit No.1311 of 2006. By that order, the learned trial Judge allowed the application exhibit-328 seeking review of order dated 10.03.2015 passed below exhibits 320 and 323.

3. In view of Order XLIII, Rule 1(w) of the Code of Civil Procedure, 1908, remedy of an appeal from order under Rule 4 of Order XLVII granting an application for review is available. In view thereof, the Petition challenging the said order is not maintainable and hence is dismissed reserving liberty to the petitioner to file Appeal from Order. If such proceedings are filed, it will be open to the petitioner to file application for condonation of delay on the ground that he was bonafide prosecuting Writ Petition. Order accordingly.

(R. G. KETKAR, J.)