

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4103 OF 2015

Shaikh Mohd. Javed Hussain Kadri .. Petitioner
vs.
Amina Khwaja Hussain Shaikh .. Respondent

Mr. S.P. Srivastava for the Petitioner.

CORAM : M. S. SONAK, J.
DATE : 21 April, 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] By the impugned order, the learned Civil Judge, Junior Division at Panvel has declined the interim reliefs to the petitioner, by way of reconnection of electricity supply or the grant of new connection.
- 3] Obviously, such an order is related to the exercise of powers under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 (CPC). Accordingly, an appeal against the impugned order will lie under Order 43 Rule 1 of the CPC.
- 4] There is, accordingly, no reason to entertain the present petition. However, if the petitioner, institutes an appeal against the

impugned order, within a period of two weeks from today, then the Appeal Court to take into consideration the circumstance that the petitioner was *bona fide* in pursuing his remedy against the impugned order before this Court. This aspect to be taken into consideration for the purposes of condonation of delay in institution of an appeal.

5] Further, if the appeal is instituted, within a period of two weeks from today, then the learned District Judge before whom, the appeal shall be filed to consider the matter on its own merits and in accordance with law, as expeditiously as possible and an endeavour shall be made to dispose of the same, within a period of three months from the date of institution of an appeal

6] With the aforesaid observations, present petition is disposed of.

(M. S. SONAK, J.)