

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12382 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Rajesh Shivaji Jadhav, Advocate for Petitioners.

**CORAM: R.G.KETKAR, J.
DATE : 11/12/2015**

PC:

1. Not on Board. At the request of Mr. Jadhav, taken up in production board. Heard Mr. Rajesh Jadhav, learned counsel for the petitioners.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged order dated 20.3.2015 passed by the learned trial Judge below Exhibit-18 in Special Civil Suit No.38 of 2005. By that order, the learned trial Judge rejected the application made by the petitioners for granting status-quo.

3. In my opinion, against the impugned order, the petitioners have an equally efficacious alternate statutory

remedy of filing an Appeal under Order 43. Though the petitioners have prayed for status-quo order, in substance, the plaintiffs are seeking injunction restraining the defendants from carrying out construction activities and from creating third party interest and, therefore, it is referable to Order 39, Rule 1 and 2. The petitioners can file appeal against the order under Order 43 of CPC. In view thereof, Petition is dismissed with liberty to the petitionerS to file Appeal from order under Order 43, Rule 1(r). It is mace clear that I have not examined merits of the case. All contentions of the parties on merits are expressly kept open.

(R.G.KETKAR,J.)