

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1643 OF 2016**

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.Prathamesh B.Bhargude, Advocate for Petitioner.

CORAM: R.G.KETKAR, J.
DATE : 09/02/2016

PC:

1. Not on Board. At the request of Mr.Bhargude, taken up in production board. Heard Mr.Prathamesh Bhargude, learned counsel for the petitioner.

2. By this petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as 'plaintiff', has challenged the Judgment and order dated 2.2.2016 passed by the learned Civil Judge Sr. Dn, Alibag in Regular Civil Suit No.130 of 2013. By that order, the learned trial Judge answered preliminary issue in affirmative and held that civil court has no jurisdiction to entertain and try the suit and rejected the plaint.

3. In view thereof, Mr. Bhargude submits that as the plaint is rejected, he has equally efficacious alternate statutory remedy of filing appeal as the expression decree in Section 2(2) of CPC includes rejection of plaint.

4. On the motion made by Mr Bhargude, petition is allowed to be withdrawn with liberty as prayed. It is expressly made clear that I have not examined merits of the case. Order accordingly.

(R.G.KETKAR,J.)