

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6719 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Shripad P. Jagdale, Advocate for Petitioners.	
CORAM : R. G. KETKAR, J.	
DATE : 17/11/2016	

P.C.:

1. Heard Mr.Jagdale, learned Counsel for the petitioners, at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 29.1.2014 passed by the learned Ad-hoc District Judge-3, Kolhapur below Exhibit-6 in Regular Civil Appeal No.361/2013. By that order, the learned District Judge dismissed the application taken out by the petitioners under Order XXXIX Rules 1 and 2 of C.P.C.
3. The petitioners instituted suit in the Court of Joint Civil Judge, Junior Division, Kolhapur. The suit was dismissed on 6.9.2013. Aggrieved by that decision, the petitioners preferred Regular Civil Appeal under Section 96

of C.P.C. Pending that appeal, they took out application under Order 39 Rules 1 and 2 of C.P.C. By the impugned order, the learned District Judge rejected the application.

4. In view of Section 106 read with Order XLIII Rule 1(r) of C.P.C., the petitioners have an equally efficacious alternate statutory remedy of filing Appeal From Order in this Court against the impugned order. In view thereof, Petition is dismissed as not maintainable reserving liberty to the petitioners to file Appeal From Order in this Court. It is made clear that I have not examined the merits/demerits of the case. Order accordingly.

(R. G. KETKAR, J.)