

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9787 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.Manoj Harit i/b Manoj Harit & Co,
Advocate for Petitioner.

CORAM: R.G.KETKAR, J.
DATE : 26/08/2016

PC:

1. Heard Mr. Manoj Harit, learned counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 5.8.2016 passed by the learned Judge presiding over Court Room No.7 of the Court of Small Causes, Mumbai below Exhibit 34 in R.A.E.Suit No. 3043 of 2012. By that order, the learned trial Judge continued ad-interim injunction order dated 2.5.2016 passed below Exhibit 34 till final decision on preliminary issue under section 9A of C.P.C.

3. In view of the provisions of Order 43, Rule 1(r) of C.P.C. read with Section 34 of the Maharashtra Rent Control Act, the petitioner has an equally efficacious alternate statutory remedy of filing an Appeal before the Bench of Two Judges of the Small Causes Court. Hence, Petition is dismissed as not maintainable, reserving liberty to the petitioner to file appropriate Appeal. Order accordingly.

(R.G.KETKAR,J.)