

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7876 OF 2013

Maharashtra State Electricity
Distribution Co., through the
Superintending Engineer

... Petitioner

v/s

The Assistant General Manager
(Recovery Officer),
The Staraswat Coop. Bank Ltd.

... Respondent

Ms.A.R.S. Baxi for the petitioner.

Mr.Harshad Bhadbhade for the respondent.

Coram: N.M. Jamdar, J.

Dated: 6 October 2016

P.C.:

By the impugned order dated 16 March 2013, the plaint has been rejected. Learned counsel for the Respondent points out that rejection of the plaint is expressly covered under the definition of 'decree' under Section 2(2). Considering the fact that what is under challenge is the decree against which substantive proceedings are available, the writ petition need not be entertained and is accordingly disposed of.

2 It is open to the Petitioner to take appropriate proceedings in respect of the impugned order.

(N. M. Jamdar, J.)