

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11680 OF 2016**

Anand Prabhakar Joshi

....Petitioner

Vs.

Bank of Maharashtra & Anr.

....Respondents.

Mr. Anand Prabhakar Joshi, Petitioner present in person.

Mr. D.J. Bhange for Respondent No.1.

Mr. D.A. Dube a/w Neel Helekar for Respondent No.2.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ.
DATE : 14 OCTOBER 2016.**

ORDER:-

Admittedly, as regards the prayers as made in the Writ Petition, the Petitioner had approached the Civil Court, (S.D.), Pune in Special Civil Suit No. 40 of 2000, which was partly decreed by a judgment and order dated 16 April 2016. The Petitioner has preferred an Appeal under Section 96 of the Code of Civil Procedure, 1908 before the Court of learned District Judge, at Pune. The said Appeal is pending adjudication. In view of this clear position on

record, as the same issues which are subject matter of the said appeal pending before the learned District Judge, being raised in the present Writ Petition, we cannot entertain this Writ Petition under Article 226 of the Constitution of India. The Petitioner needs to pursue the pending Appeal.

2 Writ Petition is accordingly disposed of with liberty to the Petitioner to approach the learned District Judge, Pune for early hearing of the pending Appeal. All contentions of the Petitioner are expressly kept open.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)