

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11397 OF 2014**

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.Suresh P. Patil, Advocate for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : 20/12/2016

P.C.:

1. Heard Mr.Suresh Patil, learned Counsel for the petitioner.
2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as the 'plaintiff', has challenged the judgment and order dated 20.8.2014 passed by the learned Civil Judge, Senior Division, R. below Exhibit-1 in R.C.S. No.192/2013. By that order, the learned trial Judge returned the plaint to the plaintiff for filing it before the competent Court at Rajapur. As the impugned order is appealable under Order XLIII Rule 1(a)

of C.P.C. this petition is liable to be dismissed on the ground of maintainability. The petitioner has an equally efficacious alternate statutory remedy of filing appeal. Hence, the Petition is dismissed on the ground of maintainability reserving liberty to the petitioner to file Appeal From Order / Misc. Civil Appeal. It is made clear that I have not examined the merits of the case.

(R. G. KETKAR, J.)