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

WRIT PETITION NO. 3766 OF 2017

M/s.Abacus Textiles (P) Ltd.

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.Ajit Jakhadi with Amol Chile for Petitioner.

Mr.N.R. Bubna for Respondent Nos.2 to 4.

Mr.Prashant ChaVan with Navdeep Vora I/b. Navdeep Vora Associates for Respondent No.5.

**CORAM: M. S. SANKLECHA &
S.C. GUPTE, JJ.**

DATE : 6 APRIL 2017

P.C. :

This petition under Article 226 of the Constitution of India challenges the order dated 2 September 2016 passed by the Civil Judge, Senior Division at Thane in respect of an appeal filed by the Petitioner under Section 406 of the Maharashtra Municipal Corporations Act, 1949 (Act). The Petitioner has an alternate remedy of an appeal available to the District Court under Section 411 of the Act.

2 In the above view, as there is an efficacious alternative remedy available under the Act, there is no question of exercise of an extraordinary jurisdiction. In case the Petitioner files an appeal before the District Court from the impugned order dated 2 September 2016 within a period of one week from today along with an application for condonation of delay, the appeal court would sympathetically consider the period of

time spent in this court pursuing the present petition for the purpose of condonation of delay.

3 The petition is disposed of in above terms.

(S.C. GUPTE, J.)

(M. S. SANKLECHA, J.)