

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

WRIT PETITION NO.8068 OF 2017

Shri.Abdul Keder Mahmud Dinath

..Petitioner
(Org.Plaintiff)

V/s.

Smt.Mandira Satyen Purohit & Anr.

..Respondents
(Org.Defendants)

Mr.A.S. Khandeparkar i/b Mr.Prerak A. Sharma for the Petitioner.

Dr.Abhinav Chandrachood i/b Mr.Amol Joshi for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 08th SEPTEMBER 2017

P.C.

1. As against the impugned order dated 02nd March 2017 the petitioners will have remedy of instituting a Revision Petition under Section 42(4) of the Presidency Small Causes Court Act, 1882.

2. In fact, the learned single Judge of this Court (Dr. D.Y. Chandrachood, J. as he then was) has, in the case of **Colaba Central Co-operative Consumer Wholesale and Retail Stores Ltd. Alias Sahakar Bhandar V/s. Kusumben Kantilal Shah & Others**¹

¹ (2004) 1 Bom CR 547

held that an order made under Sub Rule 1 of Order 15-A of Civil Procedure Code cannot be said to be a mere procedural order not subject to a revision under Section 42(4) of the said Act.

3. In view of the aforesaid, this petition is not entertained. However, liberty is reserved to the petitioner to institute revision against the impugned order dated 02nd March 2017.

4. If the Revision is instituted with the period of three weeks from today, the revisional authority shall give due consideration to the period spend by the petitioners in pursuing the present petition.

5. With liberty as aforesaid, this petition is disposed of.

(M. S. SONAK, J.)