

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.20949 OF 2016

Mahesh Roopram Kaswan ... Petitioner
Vs.
Prem Prakash Gaggad and another ... Respondents

Mr. Milind Parab i/b. Milind Parab & Associates for Petitioner.
Mr. Moh. Zain Khan for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 05, 2017

P.C. :

Heard Mr. Parab, learned Counsel for petitioner and Mr. Khan, learned Counsel for respondent No.1.

2. By this Petition under Article 227 of the Constitution of India, petitioner, hereinafter referred to as 'plaintiff', has challenged the judgment and order dated 04.03.2016 passed by the learned 2nd Joint Civil Judge, Junior Division, Panvel below exhibit-1 in Regular Civil Suit No.597 of 2912. By that order, the learned trial Judge held that Civil Court has no jurisdiction to entertain and try the Suit as essentially, the dispute raised by the plaintiff is an industrial dispute and accordingly the learned trial Judge ordered return of plaint to the plaintiff for presentation before the proper forum. In view of Order 43, Rule 1(a) of C.P.C., petitioner-plaintiff has an equally efficacious alternate remedy of filing Miscellaneous Civil Appeal / Appeal from Order. In view thereof, Mr. Parab seeks permission to withdraw this Petition with liberty to file Appeal from Order / Miscellaneous Civil Appeal before the appropriate Court.

3. Hence, on the motion made by Mr. Parab, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case.

(R. G. KETKAR, J.)