

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

910 WRIT PETITION NO.9592 OF 2018

DATTU BHAGWAN NAJAN	.. Petitioner
VERSUS	
GAYABAI MANIK NAJAN AND OTHERS	..Respondents

...
Advocate for the Petitioner : Shri R.S. Banik

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CORAM : PR. BORA, J.
Dated: June 18, 2019

PER COURT :-

1. In the present petition, the petitioner has challenged the compromise decree passed in the First Appeal. As provided under Section 100 of the Code of Civil Procedure, such a decree has to be challenged by filing a Second Appeal. It is, thus, evident that, when efficacious remedy of filing a Second Appeal is available to the petitioner, the Writ Petition filed by the petitioner cannot be entertained. The learned counsel appearing for the petitioner though conceded the legal position, expressed his inability to withdraw the Writ Petition in absence of such instructions to him from the petitioner and hence submitted for passing appropriate orders.

2. In view of the fact that, the petitioner has alternate efficacious remedy of filing a Second Appeal against the impugned order, the present Writ Petition stands dismissed.

(PR. BORA, J.)

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