

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9367 OF 2015

Neeta Ashok Kanse & Ors. ... Petitioners
Vs.
Urvashi Ravindra Kanse ... Respondent

Mr. Mr. A. A. Siddhiqui i/b Mr. Mateen A. Shaikh, for the Petitioner
None, for the Respondent

CORAM : M. S. SONAK, J.

DATE : MARCH 14, 2019

P.C.:

1. Heard Mr. A. A. Siddhiqui appearing for the petitioners.
2. Challenge in this petition is to the order dated 20/4/2015. The operative portion of the said order reads as follows:

Order

- 1) Preliminary issue answered in the negative. The suit is not maintainable against defendant No.1.
 - 2) Suit is hereby dismissed.
 - 3) No order as to costs.
 - 4) In the circumstances, Chamber Summons No.409/2015 does not survive.
 - 5) Proceeding closed.
3. There is no doubt that from the said order it is clear that the suit was already ordered to be decreed as against defendant No.2.

4. Thus, by the impugned order, the suit was dismissed finally. As against such an order, the petitioner has an alternate remedy of appeal available. On this short ground, this petition is not required to be entertained.

5. Accordingly, this petition is dismissed with liberty to the petitioner to institute an appeal against impugned order dated 20/4/2015.

6. This petition was instituted on 29/6/2015 and remained pending in this Court till this date.

7. With the aforesaid observation, this petition is dismissed with liberty as aforesaid.

8. All concerned to act on an authenticated copy of this order.

(M. S. SONAK, J.)