

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.8067/2019

Sunil Rajendra Khutate and others

Vs.

Maharashtra State Road Transport Corporation, through its Divisional Controller,
Nagpur and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.P.Bhandarkar, Advocate for petitioners
Shri A.M.Kadukar, Assistant Government Pleader for respondent no3.

CORAM : A.S.CHANDURKAR, J.

DATED : DECEMBER 09, 2019.

An order passed by 5th Joint Civil Judge, Senior Division, Nagpur below Exhibit 5 is challenged in this writ petition. It is seen that the remedy of filing a miscellaneous appeal under the provisions of order XLIII Rule 1 (r) of the Code of Civil Procedure, 1908 is available to the petitioners.

According to the learned counsel for the petitioners, the impugned order is dated 07.12.2019 and the respondent no.1 is likely to undertake demolition of the petitioners property shortly.

Considering the fact that the statutory remedy is available to the petitioners, I am not inclined to entertain the writ petition. The petitioners are at liberty to challenge the impugned order by availing that statutory remedy.

Since the petitioners apprehend demolition of their premises and as the impugned order is dated 07.12.2019, breathing time of two days is given to the petitioners till 11.12.2019. The respondent no.1 may not take any coercive steps

in the matter of demolition of the petitioners premises. This direction is issued without entering into the merits of the case and the appellate Court shall not be influenced by the same.

JUDGE

Andurkar.