

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**SECOND APPEAL NO.249 of 2022**  
**WITH**  
**INTERIM APPLICATION NO. 1849 OF 2022**  
**IN**  
**SECOND APPEAL NO. 249 OF 2022**

Smt.Shashikala Dattu Gurav .. Appellant

Versus

Satara City Municipal Council Satara, .. Respondent  
thru its Chief Officer Satara.

...

Mr.Akshay Dunde wit Padmashiba Tadke i/b Expert Jurist LLP  
for the appellant.

Mr.S.V. Wakankar with P.B. Gujar for the respondent.

**CORAM: BHARATI DANGRE, J.**

**DATED : 28<sup>th</sup> MARCH, 2022**

**P.C:-**

1            Learned counsel for the Satara Municipal Council i.e. the respondent has a preliminary objection about the maintainability of the Second Appeal and I find substance in the said objection.

2            The present Second Appeal is filed, being aggrieved by an order passed by the District Judge, Satara in Misc.Civil Appeal No.93 of 2020, thereby setting aside the order passed

below Exhibit-5 in RCS No.547 of 2019 before the 4<sup>th</sup> Joint Civil Judge, Jr. Division, Sangli, the Appeal came to be allowed.

As against the order passed in Misc.Civil Appeal being pertaining to District Satara, the remedy is to file a Writ Petition and the Second Appeal cannot be maintained since the Misc.Civil Appeal was filed under Order 43 Rule 1 of the CPC.

3           Confronted with the said objection, the counsel for the appellant state that he may be permitted to withdraw the Second Appeal so as to institute the Writ Petition. He, however stated that the learned District Judge, Satara, himself had continued the order of the trial Court for a period of two months and the said protection shall be further extended.

4           I am inclined to continue the said protection on his request, but that shall remain in force only for a further period of 10 days from today. If within this period, no Writ Petition is filed or appropriate orders are not obtained from the competent Court, the protection shall cease to operate on expiry of period of 10 days from today.

**( SMT. BHARATI DANGRE, J.)**