

3 The learned Advocate appearing for the Petitioner states that the present Writ Petition has been filed under Article 227 of the Constitution of India whereas the prior Writ Petition has been filed under Article 226 of the Constitution of India.

4 Considering that by the prior order dated 13.01.2021, it was held that in view of the challenge being to the judgment and decree of the City Civil Court, the Writ Petition was not maintainable, the present Writ Petition whether it was filed under Article 226 or 227 of the Constitution of India makes no difference. An appropriate remedy would have been to file First Appeal which had been filed and thereafter, withdrawn as recorded in order dated 20.09.2019. However, in view of the Writ Petition held to be not maintainable, an opportunity is given to the Petitioner herein to take out appropriate remedy in law against the decree under challenge in the Petition including the filing of a First Appeal which shall not be foreclosed.

5 Accordingly, the present Writ Petition stands dismissed on the ground of non-maintainability.

6 As a consequence thereof, the Interim Application does not survive and is accordingly disposed of.

(R.I. CHAGLA, J.)

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