

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.15304 OF 2023

Lilabai Satishkumar Sundechemutha &
Anr

... Petitioners

V/s.

Namit Nilesh Sundechemutha & Ors

... Respondents

Digitally
Signed by
SHAMDOOR
PATIL
Date: 12.11.2023
14:53:30

Mr. Sushil A. Inamdar, for Petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 13, 2023

P.C.:

1. The order impugned in the writ petition is passed in exercise of power under Order 39, Rule 1 of the Code of Civil Procedure, 1908 against which the petitioner has remedy of filing an appeal under Section 104 of the Code of Civil Procedure, 1908.
2. The writ petition is not maintainable; hence, the petitioner will be at liberty to file appeal against the impugned order under Section 104 of the Code of Civil Procedure, 1908.
3. The writ petition is disposed of.

(AMIT BORKAR, J.)