

SA Pathan

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

WRIT PETITION NO.4492 OF 2016

Ashok Mulye & Anr

... Petitioners

V/s.

Maharashtra Technical Education
Society and Ors.

... Respondents

Mr. Santosh Sawant & Ojas Deolankar, for petitioner.

Mr. Ram S. Apte, Senior Advocate i/by Mr. Padmanabh
D. Pise, for respondent Nos.1 & 3.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2023

P.C.:

1. By the impugned order dated 28 October 2015, the Trial Court has held that it had no jurisdiction to try and decide the suit. Such order has status of decree; hence, remedy of petitioner is to file appeal under Section 96 of the Code of Civil Procedure, 1908.

2. Hence, the writ petition is not maintainable; however, remedy of petitioners to file appeal against the order is kept open, if such appeal is filed, the Appellate Court shall sympathetically consider pendency of this writ petition for the purpose of condonation of delay.

(AMIT BORKAR, J.)