

Nikita

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

WRIT PETITION NO.13802 OF 2022

Sindhubai Alias Sindhu Shivaji Ghumare ... Petitioner

V/s.

Sunita Ramkrishna Ghumare and Ors. ... Respondents

NIKITA
KAILAS
DARADE
Digitally signed by
NIKITA KAILAS
DARADE
Date: 2023.10.10
10:00:42 +0530

Mr. Tushar Sonawane a/w Mr. Uttam Kadam a/w Ms.
Pooja Satpure for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 9, 2023

P.C.:

1. Order impugned in the petition is passed in exercise of power under Order 21 Rule 97 of the Code of Civil Procedure, 1908.
2. Rule 101 of Order 21 confers status of decree on such order. The remedy of petitioner is to file appeal under Section 96 of Code of Civil Procedure, 1908.
3. The writ petition is, therefore, disposed of with liberty to the petitioner to adopt remedy of statutory appeal.
4. All contentions on merits of the petitioner are kept expressly open to be adjudicated in the statutory appeal.
5. It is made clear that the application appears to be filed under

Order 21, Rule 98, it will have to be treated as application under Order 21 Rule 97.

(AMIT BORKAR, J.)