



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5339 OF 2024

Smt. Lilabai Gokulsing Jadhav and Another
Vs.
State of Maharashtra and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Y.P. Kaslikar, Advocate for the Petitioner/s.
Mr. A.A. Madiwale, AGP for the Respondent/State.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 13th OCTOBER, 2025

1. Heard. Mr. Y.P. Kaslikar, learned counsel for the petitioner, Mr. A.A. Madiwale, learned AGP for respondent/State.

2. The present petitioner is challenging the order dated 11.03.2022 passed by the learned 9th Joint Civil Judge Senior Division, Amravati in LAC No.76/2012.

3. Learned counsel for respondent Nos.2 to 5 raised a preliminary objection about the maintainability of the present writ petition by stating that instead of filing this petition, the petitioner ought to have challenged the impugned order by filing First Appeal under Section 96 of the Code of Civil Procedure, 1908 and in support of that, he invited my attention, the law laid down by this Court in *Abhay Laddulal Shah Vs. Udaykumar Radhakisan Dubey and Others*, reported in *2015(3) Mh.L.J. 660* decided on 18.04.2015.

4. Having gone through the impugned order as well as the law laid down by this Court in *Abhay Shah (supra)*, the petitioner ought to have filed an appeal before the Competent Court.

5. In view thereof, the present writ petition is **disposed of** with liberty to the petitioner to challenge the said order by filing an appeal before the Competent Court.

6. The petitioner may file the appeal before the Competent Court within a period of four weeks. Delay caused in prosecuting the present writ petition be taken into consideration while, considering the application for condonation of delay.

7. Interim order dated 09th September, 2024 shall continue for a period of four weeks from today.

(SIDDHESHWAR S. THOMBRE J.)

Privel