

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

WRIT PETITION NO.1127 OF 2014.

(LUNIBAI MOHANLAL DAYYA..VS..MADAN MOHAN DEVASTHAN, PULGAON & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 16, 2015.

Shri A.S.Dhore, learned advocate for the respondent No.1 objects to the tenability of the petition on the ground that the impugned order is appellable as provided by the provisions of Order XXI Rule 103 of the Code of Civil Procedure.

In view of the objection raised on behalf of the respondent No.1, Dr. R.S. Sundaram, learned advocate for the petitioner seeks permission to withdraw the petition with liberty to avail appropriate remedy.

The petition is **disposed of** as withdrawn with liberty as prayed for.

The Forum approached by the petitioner to challenge the impugned order shall sympathetically consider the issue of limitation taking into account the period spent by the petitioner in prosecuting the petition.

The interim order granted by this Court on 28th February, 2014 shall continue for a period of four weeks from today.

JUDGE