

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

WRIT PETITION NO.6627/2014

Rustamali S/o Haji Saddaruddin Tigala
..Versus..
Nazir S/o Amruddin Tigala and others

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.

DATE : 28.10.2015

Shri R.M. Pande advocate h/f Shri S.P. Bhandarkar advocate for the respondent, relying on the judgment given by the Hon'ble Supreme Court in the case of *Shah Babulal Khimji V/s. Jayaben D. Kania and another* reported in **AIR 1981 SC 1786(1)** has submitted that the impugned order is appealable and, therefore, the writ petition need not be entertained.

In view of the objection raised on behalf of the respondent, Shri N.A. Vyawahare, advocate for the petitioner, on instructions, seeks permission to withdraw the writ petition with liberty to file appeal.

The petition is disposed of as withdrawn with liberty as prayed for.

Considering the facts of the case, the interim order granted by this Court on 15th December, 2014 shall continue for a period of six weeks to enable the petitioner to take appropriate steps in the matter.

JUDGE

Tambaskar.