

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

6 WRIT PETITION NO. 5775 OF 2014

LAXMAN SADASHIV KHELGAWALI
VERSUS
SATYABHAMABI SUBHASH PATIL AND OTHERS

Shri. Amit S. Deshpande, Advocate, for petitioner.

Shri. Sachin Deshmukh, Advocate, for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 16th AUGUST 2016

ORDER:

1) The proceeding is filed to challenge the order by which the learned Civil Judge, Junior Division refused to appoint court receiver under provision of Order 40 Rule 1 of the Civil Procedure Code. Application was moved by original plaintiff. Learned counsel for the respondent took this Court through the provisions of Order 43 Rule 1(s) of the Civil Procedure Code and submitted that the order made under this provision is appealable and so writ petition cannot be entertained. Learned counsel for the petitioner submitted that in some circumstances writ petition can be entertained.

2) In view of the nature of dispute and the aforesaid provision, this Court holds that extraordinary writ jurisdiction of this Court need not be invoked. Learned counsel for the petitioner wants to withdraw the petition. In view of aforesaid circumstances, permission is granted. The petition is disposed of as withdrawn with liberty to file appropriate proceeding.

Sd/-
(T.V. NALAWADE, J.)

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