

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4338 OF 2015**

Sau. Chandrakala Pradeep Dusane	Petitioner
Vs	
Mr. Dikshiram Baburao Chavan	.. Respondent

Mr. Harshad M. Inamdar, Advocate for Petitioner.
Mr. Girish R. Agrawal, Advocate for Respondent.

CORAM : R.G.KETKAR, J.
DATE : 02/03/2016

PC:

1. Heard Mr. Harshad Inamdar, learned counsel for the petitioner and Mr. Girish Agarwal learned counsel for the respondent at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 8.12.2014 passed by the learned District Judge-1, Nashik below Exh.1 in Civil Misc. Application No.164 of 2013. By that order, the learned District Judge rejected the application made by the petitioner for condoning delay of 92 days in filing appeal challenging the judgment and order dated 22.3.2013 passed in Regular Civil Suit No.589 of 2011.

3. Mr. Agrawal raised preliminary objection as regards maintainability of the writ petition. He relied upon the decision of the Apex Court in the case of Sheodan Singh Vs. Smt Daryao Kunwar, AIR 1966 SC 1332 and also decision of this Court in Smt Taibai Motiram Bhagar Vs Shri Gopinath Babu Patil, Writ Petition

No.7869 of 2012 decided by this Court (Coram: R.M.Savant, J.) on 1.09.2014.

4. Realising this position, Mr. Inamdar seeks permission to withdraw this petition with liberty to file Second Appeal.

5. On the motion made by Mr. Inamdar, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case. Order accordingly.

(R.G.KETKAR, J.)