

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO.1256 OF 2014

Shri. Nandkumar Avadappa Malkapure Petitioner

Versus

Smt. Shalini w/d Chandrakant Maratakar & Ors.Respondents

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Mr. P. J. Shinde for the petitioner.

None for the respondents.

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CORAM : N. M. Jamdar J.

Tuesday 23 AUGUST, 2016

P. C.

. The learned counsel for the petitioner states that the power of superintendence of court is wrongly invoked as second appeal is maintainable against the impugned order and seeks leave to withdraw the present petition to file a second appeal.

2. The writ petition is accordingly disposed of as withdrawn.

3. Considering the fact that the order impugned was passed on 17 August 2013 and the writ petition was filed on 28 October 2013, if the second appeal is filed within a period of four weeks from today, condonation of delay in filing second appeal be favourably considered.

(N. M. Jamdar, J.)