

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1118 OF 2015

Zaherunnisa wd/o Abdul Rashid & Ors. Vs. Sushila Marotrao Panchal & Ors.

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

Court's or Judge's Order

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Shri M. R. Khan Adv for petitioners.
 Shri Mahajan Adv for respondent no. 1.

CORAM: A. S. CHANDURKAR J.

DATED: 22nd JUNE, 2016.

As the order passed by the executing Court below Ex. 31 dated 09.01.2015 can be challenged by filing an appeal under Order XXI Rule 103 of the Code of Civil Procedure, 1908 Shri M. R. Khan, the learned counsel for the petitioners seeks permission to withdraw the writ petition with liberty to file such appeal.

Shri Mahajan, the learned counsel for the respondent no.1 submits that even if such liberty is granted the interim protection may not be granted.

Considering the fact that the alternate remedy is available to the petitioners, the writ petition is permitted to be withdrawn with liberty to file aforesaid appeal. The ad interim relief granted on 13.07.2015 shall continue for a period of two weeks from today. It is open for the respondents to apply for vacating the interim relief. Order accordingly.

JUDGE

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