

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

WRIT PETITION NO.4739 OF 2015

Ishwar Munshiram Dhabe

..vs..

Manohar Namdeo Narkhede and 4 others.

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

Court's or Judge's Order

CORAM : A.S. CHANDURKAR, J.

DATED : 20th JUNE, 2016.

Shri Naik, the learned counsel for the respondent no.1, raises a preliminary objection that remedy of appeal under section 247 of the Maharashtra Land Revenue Code, 1966 is available to the petitioner for challenging the order dated 28.7.2015. In this background, Shri Madkholkar, the learned counsel for the petitioner, seeks permission to withdraw the writ petition with liberty to avail the statutory remedy. He further submits that as the proceedings were pending before this Court since 11.8.2015, the statutory remedy should not be held to be barred by limitation. Shri Naik, learned counsel for the respondent no.1, on instructions, states that the respondent no.1 shall not raise any objection in so far as the aspect of limitation is concerned, if the appeal is filed immediately.

In view of aforesaid, the writ petition is permitted to be withdrawn with liberty to avail the statutory remedy.

If the petitioner files the statutory appeal within period of 15 days from today, the same shall be entertained on its merits without going into the question of same being filed belatedly.

The points raised in the writ petition are kept open.

The writ Petition is disposed of.

JUDGE

Hirekhan

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