

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

Writ Petition No. 07833 of 2017

District : Parbhani

Vijayamala w/o. Pralhadrao Nirmal,
Age : 35 years,
Occupation : Household & Agriculture,
R/o. Dharasur, Taluka Gangakhed,
District Parbhani.

.. Petitioner.
(Original applicant)

versus

1. Babu s/o. Ramchandra Bhoi
(Died) through L.Rs.,

1-A. Kishanbai w/o. Babu Karbhoi (Bhoi),
Age : 68 years,
Occupation : Labour.

1-B. Muktiram s/o. Baburao Karbhoi (Bhoi),
Age : 38 years,
Occupation : Agriculture.

1-C. Rajebhau s/o. Baburao Karbhoi (Bhoi),
Age : 40 years,
Occupation : Agriculture.

1-D. Annpurna w/o. Giggyadeo Parshe,
Age : 43 years,
Occupation : Agriculture.

R/o. Limbatakli, Taluka Gangakhed,
District Parbhani.

2. Pralhad s/o. Sahebrao Nirmal,
Age : 42 years,
Occupation : Agriculture.

3. Dilip s/o. Sahebrao Nirmal,
Age : 40 years,
Occupation : Agriculture.

.. Respondents
(Nos.1-A to 1-D -
Original plaintiffs
&
Nos.2 and 3 -
Original
defendants)

Respondent nos.1-A to 1-C, 2 & 3,
R/o. Dharasur, Taluka Gangakhed,
District Parbhani.

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Mr. V.B. Anjanwatikar, Advocate, for the petitioner.

Mr. Mahesh P. Kale, Advocate, for respondent no.01.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 22ND JUNE 2017

ORAL ORDER :

01. After hearing learned Counsel for the petitioner for some time, he resiles to that appeal may lie against the order impugned in the Writ Petition. He, under the circumstances, seeks leave to withdraw the Writ Petition with liberty to file appropriate appeal with a further request that the period consumed in pendency of this Writ Petition be considered if it comes to condonation of delay in appeal.

02. In view of aforesaid, leave to withdraw the Writ Petition stands granted with liberty as prayed for. The Writ Petition stands disposed of as withdrawn. While it comes to delay condonation, the period consumed in pendency of this Writ Petition be given appropriate treatment in accordance with law.

03. Learned Counsel for the petitioner urges for protection of her claimed possession since execution of decree is posted on 27th June 2017.

04. In the circumstances, for a period of fortnight from today, the execution against the property possessed by the petitioner be kept in abeyance. The protection is purely for the purpose of letting time to the petitioner to prefer appropriate proceedings as

referred to herein above. This Court has not at all considered merits of the case. The appellate Court shall decide matter on its own merits, without being influenced by this order.

(Sunil P. Deshmukh)
JUDGE

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