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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5219/2017

Mudrika Ranjana Sanjay Abuj.
...Petitioner..

Versus

Sanjay Uttaramrao Abuj.
...Respondent...

.....
Shri C.V. Thombre, Advocate for petitioner.

.....

CORAM: M.S. SANKLECHA, J.

DATE: 20.04.2017

ORDER :

1] This petition challenges the order dated 16.12.2016 passed by the Principal District Judge, Beed. The impugned order rejected the petitioner's appeal on account of it being barred by limitation. The appeal itself arose from an order passed consequent to a compromise arrived at between the parties before the trial Court. The impugned order while rejecting the petitioner's appeal on the ground that the delay has not been satisfactorily explained invited attention to the

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decision of this Court in *Girja Shankar G. Gupta & others v. Shanil Builders & others* (2013 (9) LJSOFT 35) wherein this Court has held that no substantive appeal lies against order passed in accordance with the consent terms arrived at between the parties, by virtue of Section 96(3) read with Order 23 Rule 3 of the Code of Civil Procedure, 1908.

2] Mr.C.V. Thombre, learned counsel appearing for the petitioner, seeks to withdraw this petition with liberty to approach the trial Court for appropriate reliefs under the Code of Civil Procedure. Liberty as sought for is granted. Petition is dismissed as withdrawn with the liberty as aforesaid.

(M.S. SANKLECHA, J.)