

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

WRIT PETITION NO.5648 OF 2017

Smt.Saraswati Dattu Mhatre & Ors.

...Petitioners

Versus

State of Maharashtra

Through its Public Prosecutor & Ors.

...Respondents

.....

Mr.Ulhas Kelkar a/w. Mr.Abhijeet Naik, Ms.Gayatri Nayak i/b. Mr.Rajesh P.Khobragade for the Petitioners.

Mr.P.S.Dani, Senior Advocate i/b. Mr. Sanjay S. Patil for Respondent Nos. 2 and 3.

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CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: AUGUST 01, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Writ Petition is directed against the order dated 25.04.2017 passed by the learned 3rd Jt. Civil Judge, Senior Division, Kalyan below Exhibit 53 in Special Civil Suit No. 144 of 2013 thereby rejecting interim relief of status quo.
3. Against the said order, the petitioners should have to file a Miscellaneous Appeal before the District Court, Kalyan and not Writ Petition before this Court.

4. In view of this, the petitioners are allowed to withdraw this Petition with liberty to file Misc. Appeal before the appropriate Court.
5. Writ Petition is accordingly allowed to be withdrawn and disposed of.

(MRIDULA BHATKAR, J.)