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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1396 OF 2015**

Shivaji Pandurang Kambale

.....Petitioner

V/s.

Subhash Rama (Ramchandra) Mane

....Respondent

Mr. Ramdas A. Shelke for the petitioner.

None for respondents

CORAM : NITIN W. SAMBRE, J.**DATE : 27th JUNE, 2018.****P.C.**

The learned counsel for the petitioner, pursuant to the Court's query submits that he may be granted liberty to file a regular appeal against the Judgment and Decree, as this Court is of the opinion that the present petitioner have appeared in the suit. As such, in view of provisions of Order XVII Rule 2 of the Code of Civil Procedure, the Decree cannot be treated as an *Ex-parte* decree.

2 That being so, writ petition stands disposed with liberty to the present petitioner to take out such other proceeding including that of an appeal.

[NITIN W. SAMBRE, J.]