

psv

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

**WRIT PETITION NO.976 OF 2018
IN
CIVIL APPEAL NO.19 OF 2008**

Manki Sayana Lotti	...Petitioner
V/s.	
Balraj Mallaya Awadut & Ors.	...Respondents

Mr.Vasant B. Ghorpade for Petitioner.

CORAM : G.S. KULKARNI, J.

DATE : 24th JANUARY, 2018

P.C.:

After this petition was heard for some time, learned Counsel for the petitioner would agree that the challenge to the impugned judgment and order dated 1st October 2013 passed by the learned District Judge, Thane, in Civil Appeal No.19 of 2008 would be required to be assailed in a Second Appeal under the provisions of Section 100 of the Code of Civil Procedure. Accordingly, he seeks leave to withdraw this petition with liberty to file a Second Appeal.

2. It is submitted that the respondents have instituted execution proceedings and are likely to take coercive action under the said proceedings. It is thus submitted that till the petitioner files appropriate proceeding and to enable her to move the Court, some protection be granted.

3. Only to enable the petitioner to file appropriate proceedings challenging the judgment and order dated 1st October 2013 passed by

the learned District Judge in Civil Appeal No.19 of 2008, for a period of two weeks from today, the execution proceedings shall remain stayed. The grant of this protection in no manner is an expression on the merits of the matter. Petition is accordingly allowed to be withdrawn with liberty as prayed for in the above terms. No costs.

4. Needless to say that no further extension shall be granted for any reason.

[G.S. KULKARNI, J.]