

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

WRIT PETITION NO. 11194 OF 2018

Mrudula @ Sujata Chandrashekhar Bhide ... Petitioner

Versus

Vinayak Gopal Dandekar and another ... Respondents

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Mr. Sandesh D. Patil, i/b Mr. Prithviraj S. Gole for the Petitioner.

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CORAM : M. S. SONAK, J.

DATE : 12th OCTOBER, 2018.

P. C.:

1. Since, the impugned order made under Order 39 Rule 11 of the Code of Civil Procedure is appealable, the learned Counsel for the petitioner seeks leave to withdraw this petition with liberty to institute an appeal against the impugned order.

2. Leave is granted. The petition is accordingly dismissed as withdrawn with liberty as prayed for.

3. It is necessary to note that the impugned order in the present case was made on 27th April, 2017, this petition was instituted on 19th June, 2017 and remained pending in this Court till today. Therefore, the Appeal Court to take into consideration this period when deciding the issue of limitation.

(M. S. SONAK, J.)