

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3336 OF 2019

Mr. Sondev Balaji Patil

...Petitioner

V/s.

**The Municipal District Central
Cooperative Bank Ltd. & Ors.**

...Respondents

Mr. Shantanu S. Raktate, Advocate for the Petitioner.

Mr. S.D. Rayrikar, AGP for Respondent Nos.2 and 3.

Mr. Akhilesh Choubey i/b. ABG & Associates, Advocate for Respondent No.1.

CORAM : S.S. SHINDE, J.

DATE : 18th MARCH 2019

P.C. :

1. The learned counsel appearing for the petitioner, on instructions seeks permission to withdraw this petition, so as to enable the petitioner to avail of a remedy of appeal.
2. However, he prays for interim protection of three weeks so as to enable the petitioner to approach the appellate authority.
3. The prayer for seeking such protection is vehemently opposed

by the learned counsel appearing for the respective respondents. The learned counsel appearing for respondent No.1 submits that though the impugned order is passed in the month of November 2018, the petitioner did not bother to prefer the appeal within limitation i.e. 45 days from passing the impugned order.

4. Leave, as prayed, is granted.

5. Petition is dismissed as withdrawn with liberty to approach the appellate authority.

6. Since the petitioner has withdrawn the petition so as to approach the appellate authority, limited protection of two weeks from today is granted hereby staying the execution of impugned order dated 19.11.2018 in Case No.19 of 2014 from today.

7. It is made clear that no prayer for further extension of the aforesaid limited protection granted to the petitioner will be entertained in any circumstance.

(S.S. SHINDE, J.)