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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9656 OF 2017

Elevita Steven Almeida

..Petitioner.

V/s.

Romeo Sebastian D'souza (Soz) & Anr.

.Respondents.

Mr.Prashant Chauhan with Pramod Bhosale I/b. Bhupendra Singh for the petitioner.

None for the respondents.

CORAM : M.S.SONAK, J.

DATE : MARCH 19, 2019

P.C.:-

Not on board. Upon production, taken on production board.

2. Challenge in this petition is to the impugned order dated March 20, 2017 by which learned trial Judge has allowed the application under Order 7 Rule 11 of the Code of Civil Procedure ('the CPC' for short) and rejected the petitioner's plaint.

3. In terms of section 2(2) of CPC, this order of rejecting the plaint is deemed to be a decree. Therefore, an appeal will lie against such an order, the same being a deemed decree.

4. Learned counsel for the petitioner, accordingly seeks leave to withdraw this petition with liberty to institute an appeal against the impugned order.

5. Leave as prayed is granted with liberty as prayed for.

6. The impugned order was made on March 20, 2017. This petition was instituted on June, 16, 2017 and remained pending till date. Accordingly, this period can be taken into consideration, if the petitioner invokes the provisions of section 14 of the Limitation Act.

(M.S.SONAK, J.)