

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1340 OF 2018

Ashok Maruti Gophne and Ors. ...Petitioners
vs.
Ulhas Baban Kawade and Ors. ...Respondents

Mr. Sanjiv Sawant a/w. Mr. Abhishek Matkar, for the Petitioners
None for the Respondents.

CORAM : M. S. SONAK, J.

DATE : MARCH 13, 2019

P.C.:

- . Not on board. Taken on board.
2. Heard Mr. Sawant, learned counsel for the Petitioners.
3. The challenge in this Petition is to the judgment and decree dated 19th June, 2017 made by the first Appellate Court. As against such judgment and decree, Second Appeal is maintainable under Section 100 of Code of Civil Procedure. Accordingly, there is no necessity to entertain the present Petition.
4. Mr. Sawant seeks leave to withdraw this Petition with liberty to institute the Second Appeal. Leave is granted with liberty as prayed for.
5. Further it is observed that the certified copy of the impugned judgment and decree was obtained on 5th July, 2017 and this

Petition was instituted on 11th September, 2017 and was pending in this Court till today. This Court had also granted ad-interim relief protecting the Petitioners.

6. At the request of learned counsel for the Petitioners, ad-interim which is in operative till today, is extended by a period of four weeks from today.

7. The Petition is disposed of with liberty as aforesaid.

(M. S. SONAK, J.)