

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5013 OF 2019

(DAULATRAO JAYALI WAYCHAL & OTH...VS.. SHRIHARI KRUSHI UTPANNA BAJAR WASHIM &
ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D.Chande, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : JULY 25, 2019.

Learned Advocate for the petitioners states that appeal under Section 96 of the Code of Civil Procedure would lie against the impugned order inasmuch as the impugned order amounts to 'decree' within the meaning of Section 2(2) of the Code of Civil Procedure. It is further submitted that the petitioners have option to file fresh suit as per Order 7 Rule 13 of the Code of Civil Procedure also.

In view of the above, the petitioners seek permission to withdraw the petition with liberty to avail appropriate remedy as per law.

The petition is **disposed** as withdrawn with liberty as prayed for. No costs.

JUDGE