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

**INTERIM APPLICATION NO.1 OF 2019
IN
APPEAL FROM ORDER NO. 38 OF 2020**

Shri Chandrakant Laxman Shelar

..Applicant

Vs.

The State of Maharashtra & Ors

..Respondents

Mr J.S. Kini a/w Ms. Sapna Krishnappa for Applicant.

Mr. P.S. Dani, Senior Advocate a/w Mr. Atharva Dandekar and Mr. Rahul Soman for respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 27th January 2020.

PC.:

1] At the outset, Mr. Dani, the learned senior counsel for the respondent No.2 raises preliminary objection and submitted that, against the impugned Order dated 6.12.2019 passed below Exh.16 in Special Civil Suit No.712 of 2019 under Order 39 Rule 3(a) of the Code of Civil Procedure, the present appeal is not maintainable.

2] Facing with the said difficulty, Mr. Kini, the learned counsel for the applicant seeks leave to withdraw the present appeal with liberty to file a substantive writ petition under Article 227 of Constitution of India impugning the said Order dated 6.12.2019.

Leave and liberty granted.

3] Disposed off as withdrawn.

4] In view of disposal of appeal, Civil Application does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)