

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2315 OF 2021

Mitesh s/o Madanlal Shah

Petitioner

Versus

Ritesh s/o Madanlal Shah

Respondent

Mr.D.D.Choudhari, advocate for the petitioner
Mr.R.S.Wani, advocate for the sole Respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16th July, 2021.

PC :

1 Mr.Wani, learned Counsel for the sole-Respondent, raises a preliminary objection that since the order impugned was passed under the provisions of Order VII Rule 11 (b), of the Code of Civil Procedure, the remedy available would be under Section 115 of the CPC and writ petition would not be maintainable.

2 Faced with this, the petitioner seeks to withdraw the petition with liberty to file Civil Revision Application. The petition is, therefore, dismissed as withdrawn with liberty as prayed, if permissible in law.

**(AVINASH G. GHAROTE)
JUDGE**