

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3161 OF 2016

Shri Pravin @ Pravinchandra Dattaram ...Petitioner
Dethe

Versus

Shri Babasaheb Dattatray Vidhate ...Respondent

Mr. Pratap Patil - Advocate for the Petitioner.
Mr. Milind M. Sathaye – Advocate for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th FEBRUARY, 2021.

P.C. :

1. The learned Counsel for the Petitioner submits that, against the impugned Judgment, the Second Appeal under Section 100 of the CPC is maintainable. As such he is permitted to withdraw this Petition, with a liberty to prefer the Second Appeal.

2. The learned Counsel for the Respondents submits that the decree under challenge is already executed.

3. Be that as it may. Since the Second Appeal is maintainable under Section 100, in my opinion, the Petition can be disposed

of as Withdrawn with a liberty as prayed.

4. If an issue of limitation arises, time spent in pursuing the present Petition be taken into account.

5. Petition as such is disposed of as withdrawn with liberty as prayed.

(NITIN W. SAMBRE, J.)