

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

**SECOND APPEAL NO. 295 OF 2021
WITH
INTERIM APPLICATION NO. 2599 OF 2021**

Nandkumar Yadavrao Nimbalkar

(Since deceased) Through LRs.

Mrs. Bebi Nandkumar Nimbalkar & Ors.

... Appellants

V/s.

Ashish Baliram Tamboli

... Respondent

Mr.Vaibhav R. Gaikwad for Appellants.

Mr.Dhananjay Ranaware for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 30th September 2021.

PC. :

1. At the outset Mr.Ranaware, learned Advocate appearing for the Respondent raised a preliminary objection and submitted that, against the impugned Judgment and Order dated 18th July 2020 passed by the District Judge-3, Satara in Regular Civil Appeal No. 105 of 2012, under the provisions of Maharashtra Rent Control Act, present Second Appeal is not maintainable.

2. Facing with the said difficulty, Mr.Gaikwad, learned Advocate for the Appellants seeks leave to withdraw present Second Appeal with liberty to file a substantive Petition under Article 227 of the Constitution of India impugning the said Judgment and Order dated 18th July 2020.

Leave and liberty granted.

3. Second Appeal is disposed off as withdrawn with aforesaid liberty.

4. In view of disposal of Appeal, Interim Application No.2599 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]