

Jaywant Dattopant Patil and ors .. Petitioners
Versus
Menaka Madhav Naik and ors .. Respondents

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CORAM: BHARATI DANGRE, J.
DATED : 22nd NOVEMBER, 2021

P.C:-

On hearing the decree holder, the point for consideration was determined, as whether the decree in favour of the decree holder is non-executable, and by answering it in negative, Application is rejected.

2 Learned counsel for the respondent raise a preliminary objection to the maintainability of the writ petition and submit that since the order is passed under Section 47 of the

Code of Civil Procedure, an appeal shall lie against the same and is not maintainable. On being confronted with the said position in law, the counsel for the petitioner seek liberty to withdraw the writ petition with liberty to prosecute whatever remedy is available to him in law.

Writ Petition is disposed of as withdrawn.

SMT. BHARATI DANGRE, J