

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6653 of 2021

M/s.B.J.Enterprises for themselves

as a Partners

.. Petitioners

Versus

Chandrabhaga Namdeo Koli and Ors.

.. Respondents

...

Dr.Uday Warunjikar h/f Salik Khan for the Petitioners.

Mr.P.S.Dani, Senior Advocate with Mr.Omkar Kulkarni for Respondent Nos.1 to 6.

...

CORAM: BHARATI DANGRE, J.

DATED : 26th NOVEMBER, 2021

P.C:-

1. On being confronted with the legal position, as settled by the Division Bench of this Court, in case of **Shivaji Shankar Jadhav & Anr. Vs. Laxman Gajanan Godbole¹** that the remedy invoked by the petitioner is not this remedy, but an appeal would lie on the premise that what is sought to be challenged is the injunction granted in regular appeal and, therefore writ petition cannot be entertained, learned counsel Mr.Warunjikar appearing for the petitioner, seeks permission to withdraw the writ petition with liberty to file an appeal.

2. The writ petition is dismissed as withdrawn.

(SMT. BHARATI DANGRE, J.)

¹ 2019(3)Mh.L.J.767