

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 8557 OF 2021**

Smt. Shivkumari Amarnath Mishra ... Petitioner

Vs.

Shri. Ramu Devanand Mistry And Ors. ... Respondents

Mr. R.D. Misra for the Petitioner.

Mr. Madhur Surana a/w Mr. Shashikant Surana for Respondent No.3.

CORAM : A.S. GADKARI, J.
DATE : 2nd March 2022.

P.C. :

At the outset, learned counsel appearing for the Respondent No.3 raised a preliminary objection and submitted that, instead of preferring an Appeal before the Appellate Bench of the Court of Small Causes, Mumbai, the Petitioner has directly approached this Court by invoking its jurisdiction under Article 227 of the Constitution of India, for impugning Order dated 7th March, 2019 passed below Exh-51 in R.A.E. & R. Suit No.197/333 of 2011.

2. Facing with the said difficulty, learned counsel for the Petitioner, on instructions, seeks leave to withdraw present Petition with liberty to file a substantive statutory Appeal against the

impugned Order dated 7th March, 2019 passed below Exh-51, as may be permissible under the law.

Leave and liberty granted.

3. Writ Petition is accordingly disposed off as withdrawn, with aforesaid liberty.

(A.S. GADKARI, J.)