

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

44 WRIT PETITION NO.6077 OF 2021

SAFIYABI NABU KURESHI AND OTHERS
VERSUS
BHAVRAO RATAN MALODE DIED THR L R S RAVI ALIAS
SONU BHAVRAO MALODE AND OTHERS

...
Advocate for Petitioners : Mr. Shaikh Mujtaba Gulam Mustafa
Advocate for Respondent No.2 : Mr. A.S. Barlota
...

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 08-02-2023

PER COURT :

. The challenge in the petition is to the order dated 11.11.2020 rejecting plaint under Order-VII, Rule 11 (d) of the Code of Civil Procedure, 1908.

2. In view of the remedy of appeal being provided in case of rejection of plaint, which is construed as a decree, the learned counsel for the petitioner, on instructions, seeks permission to withdraw the writ petition to avail the remedy provided under the law.

3. Permission is granted. Writ Petition is accordingly dismissed as withdrawn.

4. Needless to state that the provisions of Section 14 of the

Limitation Act will be taken into consideration while deciding the aspect of limitation as regards the first appeal, if any preferred by the petitioners.

(SHARMILA U. DESHMUKH, J.)

GGP