

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO.6010 OF 2021

DATTAPRASAD HARIRAMAJI AJMERA
VERSUS
NARSING PANDURANG RANDAD AND OTHERS

Mr. P.V. Barde h/f. Mr. Sohel E. Siddiqui, Advocate for the Petitioner.
Mr. A.P. Bhandari and Mr. R.P. Totala, Advocate for the Respondent
Nos.1 and 2.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : FEBRUARY 03, 2023.

PER COURT :

1. Learned counsel for the Respondents raises a preliminary objection as to the maintainability on the ground that the writ petition challenges the order of rejection of the plaint, which is a decree within the meaning of sub-Section (2) of Section 2 of the Code of Civil Procedure, 1908. Learned counsel for the petitioners on instructions seeks permission to withdraw the petition and to avail alternate remedy. The Appellate Court to consider the pendency of the writ petition while deciding the issue of limitation.

2. Writ Petition stands disposed of.

(SHARMILA U. DESHMUKH, J.)