

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.698 OF 2016

Rangaswami Kisan More,
Since Deceased Through Legal Heirs &
Ors.

... Petitioners

V/s.

Balkrishna Tatyaba Bhalerao & Ors.

... Respondents

Mr. Ashok B. Tajane for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 11, 2023

P.C.:

1. The impugned order in the petition is refusal to condone the delay. It is well settled that such order amounts to decree. Appropriate remedy for the petitioners is to file second appeal against such order.
2. Hence, learned advocate for the petitioners seeks permission to withdraw the petition with liberty to file second appeal.
3. Permission, as prayed for, is granted.
4. The writ petition stands disposed of as withdrawn with liberty to file second appeal against the impugned order.
5. The period spent in prosecuting present writ petition shall be considered under section 14 of the Limitation Act, 1963.

(AMIT BORKAR, J.)