

Nikita

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

WRIT PETITION NO.2819 OF 2022

Pratibha Pandurang Savardekar

... Petitioner

V/s.

Municipal Council of Chiplun Chief
Executive Officer Chiplun Municipal
Council and Ors.

... Respondents

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Mr. Aditya R. Khare for the Petitioner.

Mr. Shagufa Patel i/b Harshad Bhadbhade for
Respondent No.1.

Mr. Saurabh Butala i/b Ms. Swati Khot for Respondent
No.3 to 6.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 28, 2023

P.C.:

1. On perusal of the order, it appears that the application is essentially under Order 39 Rule 1 and 2, seeking mandatory injunction. Therefore, the learned advocate for the petitioner seeks permission to withdraw the writ petition with liberty to adopt remedy of appeal under Order 43 Rule 1 of Code of Civil Procedure, 1908.

2. The time spent in prosecuting the present writ petition shall be excluded by the Trial Court while entertaining appeal from order.

3. Since the writ petition is pending in this Court for two years, the appeal from order shall be decided by the Appellate Court within six months from the date of its filing.

4. The writ petition is therefore disposed of as withdrawn with liberty to file appeal from order.

(AMIT BORKAR, J.)