

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8959 OF 2022

Magas Samaj Seva Mandal and Ors. ... Petitioners
Versus
Mahadeo Khuba Rathod and Anr. ... Respondents

— —
Mr. Anandmaya Dhorde i/by Mr. Nitin Gaware Patil for the
Petitioners.
— —

CORAM : SHARMILA U. DESHMUKH, J.

DATE : August 1, 2023.

P. C. :

1. The plaint has been rejected under the provisions of Order 7 Rule 11 of the Code of Civil Procedure, 1908. Learned counsel for the Petitioners submits that the writ petition is not maintainable, as the first appeal is required to be filed.

2. Writ Petition is permitted to be withdrawn with liberty to file first appeal.

3. The time taken in pursuing the present writ petition may be taken into consideration while examining the aspect of condonation of delay.

(Sharmila U. Deshmukh, J.)