

SA Pathan

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

WRIT PETITION NO.8869 OF 2017

K. Tulsidas and Brothers

... Petitioner

V/s.

Naresh Ghanshamdas Aswani

... Respondent

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Ms. Vidya Nair a/w Riddhi Dhanecha i/by Mr. Dhiren
N. Shah, for Petitioner.

Mr. Ashish Gatagat, for Respondent.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 6, 2023

P.C.:

1. The order impugned is interlocutory in nature, capable of being challenged under Section 105 (1) of the Code of Civil Procedure, 1908.
2. Learned Advocate for the petitioner, therefore, seeks permission to withdraw the writ petition with liberty to challenge the impugned order in a substantive appeal under Section 96 of CPC if, the decree goes against the petitioner.
3. The writ petition is disposed of as withdrawn with liberty as prayed for.

(AMIT BORKAR, J.)