

Nikita

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

WRIT PETITION NO.14007 OF 2023

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Ramesh Kumar S/o Shankar Lal
Sirsalewala ... Petitioner

V/s.

Ghanshyam S/o. Shankar Lal
Sirsalewala and Anr. ... Respondents

Mr. Ashok M. Saraogi for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 7, 2023

P.C.:

1. By the impugned order, Trial Court rejected the plaint under Order 7 Rule 11 Clause (a) of the Code of Civil Procedure, 1908. Such order has force of decree under Section 2(2) of the Code of Civil Procedure, 1908. Therefore, remedy to the petitioner is to file appeal under Section 96 of the Code of Civil Procedure.
2. The learned advocate for the petitioner, seeks permission to withdraw the petition with liberty to file appeal.
3. The writ petition is, therefore, dismissed as withdrawn with liberty as prayed for.
4. The time spent in prosecuting the writ petition be considered

sympathetically while deciding the application for condonation of delay, if any.

(AMIT BORKAR, J.)