



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO. 5423 OF 2023
SHESHRAO MAROTI SHELKE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Nagarkar Kiran M.
AGP for Respondent/State: Ms. Kavita R. Jamdhade
Advocate for Respondent No.3 : Mr. Akash Gade

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CORAM : ARUN R. PEDNEKER, J.

DATE : 12th AUGUST, 2024

PER COURT:

1. The learned counsel appearing for respondent no.3 raises an objection that against the impugned order, first appeal is maintainable as the impugned order is decided on merits.

2. Considering the objections raised by learned counsel for respondent no.3, the learned counsel appearing for the writ petitioner seeks leave to withdraw the present writ petition and file an appropriate first appeal challenging the order passed by the reference court dated 15.01.2013.

3. The present writ petition is disposed of with liberty to approach the first appellate court to challenge the impugned order. The time spent in prosecuting the present writ petition to be excluded in computing the period of limitation for filing the first appeal.

[ARUN R. PEDNEKER, J.]