

Shabnoor

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

WRIT PETITION NO.1134 OF 2023

Shahaji Shankar Mohite ... Petitioner
V/s.
Shakuntala Bajrang Dongre & Ors ... Respondents

Ms. Drishti M. i/by Mr. Ankit Jadhav, for Petitioner.

Mr. Suraj Shejwal i/by Mr. Pradeep Gole, for
Respondent Nos.1 & 3.

CORAM : AMIT BORKAR, J.

DATED : JUNE 13, 2024

P.C.:

1. By the impugned order, the Appellate Court has granted temporary injunction against the petitioner in exercise of power under Order 39, Rules 1 and 2 of the Code of Civil Procedure, 1908. Therefore, the remedy of petitioner is to challenge such order in an appeal under Section 104 read with Order 43, Rule 1(r) of the Code of Civil Procedure, 1908.
2. Hence, the petitioner is permitted to withdraw the writ petition with liberty to file appeal from order.
3. Time spent in prosecuting the present writ petitioner shall be excluded while considering the application for condonation of delay in appeal from order which is to be filed by the petitioner.

4. The writ petition stands dismissed as withdrawn with liberty as prayed for.

(AMIT BORKAR, J.)