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

WRIT PETITION NO. 3521 OF 2021

Ashok Pandurang Pimple and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

-
- Mr. V.A. Gangal a/w. Ms. Divya Parab, Advocates for Petitioners.
 - Mr. Vikram Walawalkar a/w. Iqra Qureshi, Advocate for Respondent No.3B.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 22, 2024.

P.C.:

1. Heard Mr. Gangal, learned Advocate for Petitioners and Mr. Walawalkar, learned Advocate for Respondent No.3B.

2. Mr. Gangal, learned Advocate has drawn my attention to the impugned order which is rather a judgment and decree dated 20.02.2020 passed in Civil Appeal No.36 of 2013.

3. Mr. Walawalkar, learned Advocate for private Respondent has also placed on record the list of dates.

4. Both the learned Advocates are *ad idem* that the substantive challenge maintained in the present Writ Petition is to the decree dated 20.03.2020 in respect of which a substantive statutory Second Appeal No.289 of 2022 has been filed in this Court on 12.08.2020.

5. After expressing my mind to Mr. Gangal, Mr. Gangal would urge the Court that the Petitioners shall prosecute the Second Appeal on its own merits against the impugned decree dated 20.02.2020. Writ Petitioner seeks to withdraw the present Writ Petition subject to the above so as to allow the Petitioners to prosecute the Second Appeal on merits. Writ Petition is dismissed as withdrawn.

6. That right of the Writ Petitioners in the Second Appeal is always open. All contentions of the Writ Petitioners to prosecute the Second Appeal irrespective of the present Writ Petition having been filed are expressly kept open before this Court on merits and in accordance with law.

7. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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Date: 2024.04.22
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