

VRJ

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

WRIT PETITION NO.6271 OF 2024

VAIBHAV
RAMESH
JADHAV
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Prabha Ganpat Borkar

... Petitioner

V/s.

Drego Enterprises & Ors.

... Respondents

Mr. Raj. K. Awasthi with Ms. Bushra Sayed i/by Pragya
Mishra for the petitioner.

Ms. Priyanka B. Chavan, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 14, 2024

P.C.:

1. The impugned order is essentially passed by the Court on an application filed under section 144 of the Civil Procedure Code, 1908. Section 2(2) of the Civil Procedure Code, 1908 confers status of decree to an order passed by a Court in exercise of power under section 144 of the Civil Procedure Code, 1908. Therefore, remedy of petitioner is to approach appropriate Court in exercise of power under section 96 read with Order 41 of the Civil Procedure Code, 1908.
2. By keeping all contentions raised in the writ petition open to be agitated in the substantive appeal, the petitioner is permitted to withdraw the writ petition with liberty to file substantive appeal before appropriate Court.
3. The writ petition stands disposed of as withdrawn.

(AMIT BORKAR, J.)