

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12261 OF 2024

Sakshi Rahul Hasbe and Anr.

... Petitioners

Versus

The State of Maharashtra and Ors.

... Respondents

.....

Mr. Akshay Kumar Mishra i/b. A. R. Avachat a/w. S. H. Deshpande,
Advocates for the Petitioners.

Mr. J. P. Patil, AGP for the Respondent – State.

CORAM : R. M. JOSHI, J.

DATED : 30th AUGUST, 2024.

P.C. :

1. Not on Board. Upon mentioning taken on board.
2. Heard by consent of both the sides.
3. Learned counsel for the petitioners seeks withdrawal of the petition to persuade the remedy of appeal in view of the Judgment of the Division Bench of this Court in the case of *Jagdish Pitamber Pawar Vs. Pitamber Pundalik Pawar & Ors.* passed in Writ Petition No. 36 of 2023 decided on 29.11.2023 by Aurangabad Bench. He, however, submits that since the Appellate Authority has refused to entertain the appeal, the said order of refusal needs to be set aside.

4. Learned AGP for the respondent-State on instructions from the concerned Authority makes a statement that in view of the Judgment of

the Division Bench of this Court, the Appellate Authority would entertain the appeal. Hence, the order of refusal of entertainment of the appeal stands set aside.

5. Writ Petition stands allowed to be withdrawn with liberty to pursue appeal before the said authority.

(R. M. JOSHI, J.)