



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

67 WRIT PETITION NO. 1237 OF 2025

PRAVIN RAOSAHEB PAWAR AND OTHERS

VERSUS

APPA KONDHAJI PAWAR AND OTHERS

...

Advocate for the Petitioner : Mr. S. S. Dixit

Advocate for Respondent Nos. 1 to 7 : Mr. R. R. Karpe

...

CORAM : KISHORE C. SANT, J.

Dated : February 26, 2025

PER COURT :-

1. The learned Advocate for the respondents submits that, the challenge in the writ petition is to an order passed by the learned 2nd Joint Civil Judge, Senior Division, Sangamner, Dist. Ahmednagar below Exh-5 for injunction is appealable. However, the petitioner has directly filed writ petition and therefore, the petition is not maintainable.

2. The another order is passed on an application filed by the defendants seeking injunction against the plaintiffs which is allowed by the Trial Court. He submits that appeal would be maintainable before the District Court.

3. Considering the above, the learned Advocate for

the petitioner seeks liberty to withdraw the writ petition with liberty to approach Appellate Court. He submits that this Court has already protected the petitioner in writ petition. Considering that, following order :

ORDER

- i. The petitioner is allowed to withdraw the writ petition.
- ii. The petitioner is at liberty to file appropriate proceeding before the appropriate Court.
- iii. Interim relief, granted earlier, to continue for a period of two weeks from today so as to enable the petitioner to approach the Appellate Court.
- iv. With this, the writ petition stands disposed off.
- v. It is made clear that the time consumed in prosecuting this writ petition shall be considered while considering the application for condonation of delay.

(KISHORE C. SANT, J.)