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88wp5510.23

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

88 WRIT PETITION NO. 5510 OF 2023

JYOTI JITENDRA KUMAVAT

....Petitioner

VERSUS

JITENDRA KAILAS KUMAVAT AND OTHERS

.....Respondent

Mr. B. I. Mahajan, Advocate for the petitioner

Mr. M. R. Deshmukh, Advocate for the respondent Nos. 1 to 3

CORAM : KISHORE C. SANT, J.

DATE : 25th MARCH, 2025

P. C.

1. Mr. Deshmukh, learned advocate for the respondent at the outset raised the objection about maintainability of the writ petition in view of the remedy provided under Section 47 of the Guardians and Wards Act, 1890.

2. This court has considered this objection.

3. The order is passed under Sections 7, 9 and 25 of the Guardians and Wards Act, 1890.

4. In view of section 47 the appeal is maintainable.

5. This court thus finds that that the writ petition is not maintainable.

6. On expressing this, the learned advocate for the petitioner seeks liberty to withdraw the writ petition with liberty to file first appeal.

7. Leave granted as prayed for.

8. The period in prosecuting the petition shall be excluded while calculating the limitation.

[KISHORE C. SANT, J.]