



(1)

45-WP-3007-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 WRIT PETITION NO. 3007 OF 2025

Sanjay Kalidas Deshmukh Died Through Lrs Nandkishor Kalidasrao
Deshmukh And Others

VERSUS

Bibhishan Ganpati Rodge And Others

...

Mr. Abhijit S. More, Advocate for the Petitioners.

Mr. V. B. Deshmukh Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 7th MARCH 2025

PC :-

1. Learned Advocate for the Caveator/Respondent, at the outset, raises preliminary objections about the maintainability of this writ petition. He submits that the order impugned is passed under Order 39 Rule 11 of Code of Civil Procedure, 1906 and Appeal lies against the order in view of Order 43 Rule 1(r) (Bombay Amendment) of the C.P.C.
2. In view of the same, the learned Advocate for the petitioner fairly consist to this position and seeks leave to withdraw the writ petition with liberty to approach the appropriate forum.

3. Leave granted with liberty as prayed.
4. Petition stands disposed off as withdrawn.

[KISHORE C. SANT, J.]