



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

**WRIT PETITION NO. 5977 OF 2024
MANIK RAOSAHEB KAPASE AND ANOTHER
VERSUS
PANDIT RAOSAHEB KAPASE AND OTHERS**

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Advocate for the Petitioners : Mr. Gundre Suraj V

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18th FEBRUARY 2025

PER COURT :

. This petition is directed against the order on 20.01.2024 rejecting the application under Order 9 Rule 9 of the Civil Procedure Code.

2. Learned Counsel for the petitioners submits that appeal under Order 43 Rule 1(c) would lie before the District Court. He seeks permission to withdraw the petition with liberty to prefer appeal.

3. Writ Petition is disposed of as withdrawn with liberty to the petitioners to avail the remedy as permissible in law.

4. Time consumed in prosecuting the matter can be taken into consideration while dealing with application for condonation of delay.

**SHAILESH P. BRAHME
JUDGE**