



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8720 OF 2018

Dattatraya Raghunath Dhage & othersPetitioners

VERSUS

Sanjay Santraram MateRespondent

Mr. D. R. Jayabhar, Advocate for the Petitioners.

Mr. A. J. Nagode, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 16th SEPTEMBER, 2025.

PER COURT :

1. Learned counsel for Respondent No. 1 raises objection with regard to the maintainability of the Writ Petition on the ground that appeal has been provided under the provisions of Section 384 of the Indian Succession Act against the impugned order. To support his submissions, he has placed reliance on following judgments :-

- i. Beersing Charan Karosiya and others vs. Tanhabai Pratap Karosiya and others, 2016(6) ALL MR 333
- ii. P. K. vishalakshi vs. The Bank of India, AIR 2006 KERALA 255.

2. Learned counsel for Petitioners, on instructions, seeks withdrawal of the Petition with liberty to file appeal against the impugned order.

3. Petition is dismissed as withdrawn. Time spent in prosecuting the Petition shall be excluded from computation of period of limitation.

(R. M. JOSHI)
Judge

dyb