



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 14022 OF 2024

Anil Bhausahab Tajane

VERSUS

Vasant Bhausahab Tajane And Others

...

Mr. R. P. Dhase, Advocate for the Petitioner

Mr. V. Y. Bhide, Advocate for Respondent No.3

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CORAM : ROHIT W. JOSHI, J.

DATED : 11th JULY 2025

PER COURT :-

1. The present petition is filed challenging order of rejection of plaint dated 18.10.2024 passed by the learned Joint Civil Judge Senior Division, Sangamner, District Ahmednagar on application at 'Exhibit-50' in Regular Civil Suit No.432 of 2022.

2. Since the order of rejection of plaint falls within the definition of decree under Section 2(2) of the Code of Civil Procedure, 1908 (for short "**CPC**") the order is appealable under Section 96 of CPC. The learned Counsel for the petitioner seeks permission to withdraw the petition. He draws attention to the prayer clause in Regular Civil Suit No.432 of 2022, which is for declaration that compromise decree in Regular Civil Suit No.476 of 2020 was obtained by the defendant by practicing fraud. The said compromise decree was passed under the provisions of the Legal Services Authorities Act, 1987. Since award passed under the said Act cannot be challenged by filing a civil suit, the learned advocate for the petitioner seeks liberty to initiate appropriate proceedings in order to challenge the said award.

3. In view of the legal position, permission is granted to withdraw present writ petition as also Regular Civil Suit No.432 of 2022.

4. In view of the aforesaid, liberty is granted to the petitioner to take recourse to appropriate proceedings in order to challenge the award passed under the said Act.

[ROHIT W. JOSHI, J.]