



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6186 OF 2025**

Anandibai Dhondiram Kapse and Ors. ... Petitioners
versus
Basavraj Oil Mills
through Partners Subhash Parappa
Kalyanshetti and Ors. ... Respondents

Mr. Drupad S. Patil with Mr. Rugwed R. Kinkar, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 6 MAY 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 14 October 2024 passed by the executing Court in Execution Petition No.57 of 2016, thereby allowing the application for delivery of possession of the suit property under Order XXI Rule 35(3) of the Code of Civil Procedure, 1908.
3. The decree which was sought to be executed in SCS No.384 of 1998 is assailed in Second Appeal No.202 of 2017 by the Petitioners' predecessor in title. On 12 January 2024, the said Second Appeal has been admitted by this Court by framing substantial questions of law. In these circumstances, the appropriate remedy for the Petitioners is to approach this Court in Second Appeal No.202 of 2017.
4. When this Court expressed the aforesaid opinion, learned Counsel for

the Petitioners seeks leave to withdraw the Petition with liberty to approach this Court in Second Appeal No.202 of 2017 and seek appropriate remedy.

5. Keeping all contentions open, the Writ Petition stands disposed with liberty to the Petitioners to seek appropriate reliefs in Second Appeal No.202 of 2017.

(N.J.JAMADAR, J.)