



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 WRIT PETITION NO.531 OF 2026

Avdhoot Maroti Shinde

VERSUS

Vilas Mahajan Shinde Died Through Lrs Laxmibai Vilas Shinde
And Others

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Advocate for Petitioner : Mr. A.M. Gaikwad

Advocate for Respondents 1A - 1E: Mr. V.B. Dhage

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 14, 2026

PER COURT :-

1. Mr. Anil Gaikwad, learned advocate appearing for petitioner relied upon two judgments of the Hon'ble Supreme Court in case of **Shriram Housing Finance and Investment India Ltd., Vs. Omesh Mishra Memorial Charitable Trust** reported in AIR Online 2022 SC 939 and judgment in case of **Periyammal (Dead) through L.Rs. And others Vs. Rajamani and another** Etc reported in 2025 LiveLaw (SC) 293 dated 6.3.2025 and concedes that, in view of law laid down by Hon'ble Supreme Court in case of Periyammal, the order impugned amounts to decree and can be subjected to appeal in view of scheme under the provisions of Order XXI Rule 97 to 103 of the Civil Procedure Code. He would therefore seeks

permission to withdraw the writ petition, to avail alternate remedy as is permissible under law.

2. Writ Petition stands **disposed of**, with the liberty as prayed for.

(S. G. CHAPALGAONKAR, J.)

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