



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO. 1378 OF 2026**

ASHA MACHINDRA KANADE  
VERSUS  
MORRIS ALBERS DESOUZA AND OTHERS

...  
Mr. Shadab Faheem Shaikh, Advocate for the Petitioner.

...  
**CORAM : S. G. CHAPALGAONKAR, J.**  
**DATED : 05<sup>th</sup> FEBRUARY, 2026.**

**P.C.:-**

1. The present Writ Petition takes exception to orders dated 16.01.2026 and 02.02.2026 passed below Exhibits-107 and 113 respectively by Civil Judge Senior Division, Ahmednagar in R.D. No.314/2014, whereby petitioner's application under Section 47 r/w Order 21 Rule 97 of Code of Civil Procedure, thereby raising objection to execution of decree has been rejected.
2. It is well settled that petitioner has remedy of filing Appeal against rejection of objection.
3. The learned Advocate appearing for petitioner after arguing for some time, on instructions, seeks permission to withdraw writ petition with liberty to avail alternate remedy as available under law.
4. In result, Writ Petition stands disposed of as withdrawn with liberty as prayed.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**