



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.609 OF 2026

Punjabrao Namdeorao Jayale P.O.A. Holder Vishal P. Jayale **Vs.** Ravindra
Radhakisan Kasat

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Sakshi Tiwari h/f. Mr. R.D. Dhande, Advocate for the Petitioner.
Mr. A.H. Daga, Advocate for Respondent.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 05th MAY, 2026

1. An objection is raised by the respondent to the maintainability of the petition by submitting that the petitioner should have filed an appeal under Section 100 of the Code of Civil Procedure, 1908 (for short "CPC").
2. In view of this objection, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to file appropriate appeal under Section 100 of CPC, however, learned counsel for petitioner also prays for continuation of interim relief, which is already operating in this petition, till the second appeal is filed.
3. In view of this, the petitioner is permitted to withdraw the petition with liberty to file an appeal under Section 100 of CPC. It is directed that interim relief which is granted by this Court, in view of the deposit of amount of Rs.7,60,000/- before the Trial Court, the same shall continue to operate for a period of ten days from today.

4. Petitioner is also permitted to point out the fact of pendency of the instant petition in support of reasons for condonation of delay, if any, while filing the second appeal.
5. Petitioner is at liberty to file appropriate proceedings during the summer vacation.
6. In view of this, the writ petition is **disposed of** as withdrawn with liberty as prayed for.

(PRAFULLA S. KHUBALKAR, J.)

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