

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7576 OF 2015

Manjula Sambhaji Sule through PoA
Pradip Ravindra Sule and another ... Petitioners
Vs.
Shevantabai Krishna Sule and others ... Respondents

Mr. S. G. Deshmukh i/b. Mr. Ramdas A. Shelke for Petitioners.

CORAM : R. G. KETKAR, J.
DATE : 31ST JULY, 2015

P.C. :

Not on Board. At the request of Mr. Deshmukh, learned Counsel for petitioners taken up for admission in production Board.

2. By this Petition, under Article 227 of the Constitution of India, original plaintiffs have challenged the order dated 02.12.2014 passed by the learned Civil Judge, Junior Division, Palus below exhibit-150 in Regular Civil Suit No.122 of 2008. By that order, the learned trial Judge rejected the application exhibit-150 taken out by the plaintiffs for exhibiting photographs of adoption ceremony.

3. Mr. Deshmukh submitted that one of the grounds on which the learned trial Judge rejected the application is that the plaintiffs did not follow the procedure laid down under Section 65 of the Indian Evidence Act, 1872 (for short 'Act'). Upon taking telephonic instructions from Petitioner No.1, Mr. Deshmukh seeks permission to withdraw this Petition with liberty to take out application under Section 65 of the Act.

4. In view thereof, on the motion made by Mr. Deshmukh, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression on merits of the case either way. If such application is taken out, all contentions of the parties are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)