

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4670 OF 2015

**Baban Kashinath Desai and ors. : Petitioners
versus
Prakash Balkrushna Nalawade and ors. : Respondents.**

**Mr. S A Rajeshirke for the Petitioners.
Mr. Ranjeeth Patil for the Respondent No.1.**

**CORAM : R. M. SAVANT, J.
DATE : 31st August 2015**

P.C.

1 After arguing for sometime, the learned counsel appearing for the Petitioners Shri Rajeshirke seeks leave to withdraw the Application (Exhibit 67) with liberty to file a fresh application by giving better particulars. In view of the said statement, it is not necessary to consider the impugned order on merits which is accordingly to stand set aside. The Petitioners/Plaintiffs to file a fresh application within four weeks from date. Needless to state that if any such fresh application is filed, the same would be considered on its own merits and in accordance with law. The contentions of the parties are kept open in that regard. If the application is not filed within four weeks, the right to file the same would stand forfeited and the Trial Court would then proceed with the suit in question. With the aforesaid directions the above Writ Petition is disposed of.

[R.M.SAVANT, J]