

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2748 OF 2014

Nirmala Nanasaheb Gund ... Petitioner
Vs.
Ravindra Dnyandeo Gund and others ... Respondents

Mr. Ashok B. Tajane for Petitioner.
Mr. A. R. Metkari, AGP for Respondents No.5 and 6.

CORAM : R. G. KETKAR, J.
DATE : 12TH AUGUST, 2015

P.C. :

Heard Mr. Tajane, learned Counsel for petitioner and Mr. Metkari, learned AGP for respondents No.5 and 6-State.

2. By this Petition under Article 227 of the Constitution of India, original defendant No.3 has challenged the judgment and order dated 03.12.2013 passed by the learned Civil Judge, Senior Division, Baramati below exhibits 5 and 61 in Regular Civil Suit No.603 of 2012 as also the judgment and order dated 05.03.2014 passed by the learned District Judge-1, Baramati below exhibit-17 in Miscellaneous Civil Appeal No.2 of 2014.

3. Mr. Tajane submitted that by order dated 03.12.2013, the learned trial Judge allowed the application exhibit 5 and issued injunction restraining defendant No.3 from creating new way from the suit property till final disposal of the Suit. Application exhibit-61 filed by the defendant No.3 was rejected. Aggrieved by that decision, defendant No.3 preferred Miscellaneous Civil Appeal No.2 of 2014. Pending that Appeal, defendant No.2 took out application at exhibit-17. By the impugned order dated 05.03.2014, the learned District Judge rejected the

application exhibit-17. He submits that now Miscellaneous Civil Appeal No.2 of 2014 is kept for final arguments. He, therefore, seeks permission to withdraw this Petition and submits that all the contentions raised by the parties may be expressly kept open. Mr. Metkari has no objection.

4. In view thereof, on the motion made by Mr. Tajane, Petition is allowed to be withdrawn and is disposed of as such. It is made clear that I have not examined the merits of the case. All the contentions of the parties on merits are expressly kept open.

(R. G. KETKAR, J.)

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