

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5921 OF 2015**

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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Mr. Jaydeep Deo, Advocate for Petitioner.
Mr. Dhairyasheel Sutar, Advocate for Respondents no. 1 to 3.

CORAM: R.G.KETKAR, J.

DATE : 08/12/2015

PC:

1. Not on Board. At the request of Mr. Deo, taken up in production board.

2. Heard Mr. Jaydeep Deo, learned counsel for the petitioner and Mr Dhairyasheel Sutar, learned counsel for respondents no.1 to 3 at length.

3. By this Petition under Article 227 of the Constitution of India, original plaintiffs have challenged the judgment and order dated 10.3.2015 passed by the learned 14th Jt. Civil Judge, Jr Dn., Pune below Exh. 77 in R.C.S.No.1116 of 2008. By that order, the learned trial judge rejected the application filed by the

plaintiffs for sending documents at Exh.59 (Certified copy of the thumb impression of Balasaheb Pawar in the register maintained by the office of Sub Registrar), (2) Exh. 69 (Original affidavit of Balasaheb Pawar), (3) Exh.62 (certified copy of the sale deed dated 20.11.1990 executed by Namdeo Pawar and Balasaheb Pawar in favour of Balasaheb Autade), and (4) Exhibit 76 (original Power of Attorney executed by Balasaheb Pawar in favour of Prakash Chavan), to the handwriting expert calling his opinion and report as well as for comparison of the thumb impression.

4. After arguing the petition for some time, Mr.Deo seeks permission to withdraw the Application-Exhibit 77 with liberty to file application for sending original thumb impression of Balasaheb Pawar in the register maintained by the office of Sub Registrar to the handwriting expert for his opinion and report as well as for comparison of thumb impression.

5. Mr. Sutar submits that in case such liberty is given, all contentions of the defendants may be expressly kept open.

6. In view thereof, on the motion made by Mr. Deo, Application made by the plaintiffs-Exhibit-77 is permitted to be withdrawn with liberty as prayed for. All contentions of the defendants are express kept open. Order accordingly.

7. Petition is disposed of.

(R.G.KETKAR,J.)