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IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 268 OF 2015

Shri Dilip Kesarimal Mehta and another .. Petitioners

Vs.

Smt.Kashibai Chahaya Patil and others .. Respondents

Mr.Sanjiv A.Sawant, Advocate for the Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 16th JUNE, 2015

P.C. :

. Heard Mr.Sanjiv A.Sawant, learned Counsel for the petitioners.

2. By this petition under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), petitioners have challenged the judgment and order dated 23/04/2015 passed by the learned Joint Civil Judge, Junior Division, Pen below Exhibit 223 in Regular Civil Suit No.104 of 2008. By that order, the learned trial Judge rejected the application filed by defendants No. 1 & 2 for deciding issue No.12A pertaining to pecuniary jurisdiction as a preliminary issue as per Order 14 Rule 2(2) of C.P.C. Mr.Sawant states that since issue No.12A pertaining to pecuniary jurisdiction is already framed, he will lead evidence to substantiate his case. Upon taking instructions from the petitioner's representative – Mr.Hitesh Dhodia, he seeks

permission to withdraw this Petition.

3. In view thereof, petitioners are permitted to withdraw this Petition and is disposed of as such. Parties are at liberty to lead evidence on all issues including issue No. 12A.

(R. G. KETKAR, J.)