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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5628 OF 2015

Krishnadas Gangadas Sugandhi and others .. Petitioners

Vs.

Bhupendra Shantilal Shah and others .. Respondents

Mr.Sidheshwar Biradkar a/w Mr.Ravindra Adsure, Advocates for the
Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 01st JULY, 2015

P.C. :

. Heard Mr.Sidheshwar Biradkar, learned Counsel for the
petitioners at length.

2. By this Petition under Article 227 of the Constitution of
India, original defendants have challenged the judgment and order
dated 04/03/2015 passed by the learned 6th Joint Civil Judge, Senior
Division, Nashik below Exhibit 120 in Special Civil Suit No. 486 of
2008. By that order, the learned trial Judge allowed the application
filed by respondents-plaintiffs under Order 6 Rule 17 of the Code of
Civil Procedure, 1908 (for short 'C.P.C.') for amending the plaint.

3. After arguing the Petition for some time, Mr.Biradkar
states that the petitioners will not press this Petition if liberty as
contemplated under Section 105(1) of C.P.C. is reserved.

4. In view thereof, Petition is allowed to be withdrawn. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)