

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1305 OF 2015

Sushilabai Shyamrao Kuthe ... Petitioner
Vs.
Sunita Shyamrao Kuthe and others ... Respondents

Mr. Tejas Vora i/b. Mr. Sagar Kasar for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : 11TH AUGUST, 2015

P.C. :

Heard Mr. Vora, learned Counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 25.09.2014 passed by the learned Civil Judge, Junior Division, Yeola below exhibit-38 in Regular Civil Suit No.178 of 2009. By that order, the learned trial Judge rejected the application taken out by the petitioner for dismissing the Suit on the ground that it is barred by the principles of *res judicata*.

3. After arguing the Petition for quite some time, Mr. Vora seeks permission to withdraw this Petition and submits that liberty may be reserved to the petitioner to agitate her rights in appropriate proceedings.

4. On the motion made by Mr. Vora, Petition is allowed to be withdrawn and is disposed of as withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression on merits. All the contentions of the parties on merits are expressly kept open.

(R. G. KETKAR, J.)