

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2462 OF 2016

Annubai Mahapati Gaikwad and another ... Petitioners
Vs.
Kishna Dadu Sapkal and others ... Respondents

Mr. Vishwanath S. Talkute a/w. Mr. S. R. Ghanwat for Petitioners.
Mr. Bhushan Walimbe for Respondents.

CORAM : R. G. KETKAR, J.
DATE : MARCH 14, 2016

P.C. :

Heard Mr. Talkute, learned Counsel for petitioners and Mr. Walimbe, learned Counsel for respondents at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 04.11.2015 passed by the learned Joint Civil Judge, Junior Division, Islampur below exhibit-34 in Regular Darkhast No.170 of 2013 as also the judgment and order dated 16.02.2016 passed by the learned District Judge-II, Islampur below exhibit-5 in Regular Civil Appeal No.1 of 2016. By these orders, the Courts below rejected the application made by the petitioners under Order 21, Rules 99, 100 and 101 of the Code of Civil Procedure, 1908 for staying the Darkhast proceedings.

3. After arguing the Petition for quite some time, Mr. Talkute seeks permission to withdraw this Petition with liberty to file appropriate proceedings.

4. In view thereof, on the motion made by Mr. Talkute, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All the contentions of the respondents are kept open. Order accordingly.

(R. G. KETKAR, J.)