

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3532 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.Madhav Jamdar, Advocate for Petitioners.

Mr. Yashodhan Gavankar, Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.

DATE : 21/12/2016

P.C.:

1. Heard Mr.Madhav Jamdar, learned Counsel for the petitioners and Mr.Yashodhan Gavankar, learned Counsel for respondent No.1, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners hereinafter referred to as defendants No.1, 2, 5, 9 and 10, have challenged the judgment and order dated 26.11.2014 passed by the learned Civil Judge, Junior Division, Sawantwadi below Exhibit-67 in R.C.S. No.71/2009. By that order, the learned trial Judge rejected the application made by the

defendants for amending written statement and the counter claim.

3. After arguing the petition for quite sometime, upon taking instructions from the defendants, Mr. Jamdar seeks permission to withdraw this Petition. He submitted that liberty may be reserved in terms of Section 105(1) of C.P.C. In view thereof, on the motion made by Mr. Jamdar, Petition is allowed to be withdrawn and is disposed of as such.

4. It is made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contended by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)