

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2053 OF 2016**

Mr. Suresh Pandurang Bhokare
and ors

Petitioners

Vs

.. Respondents

Mr. Ganesh Balbhim Ingale and Ors

Mr. Milind R. Deshpande , Advocate for Petitioners.

CORAM : R.G.KETKAR,J.

DATE : 23/02/2016

PC:

1. Heard Mr. Milind Deshpande, learned counsel for the petitioners at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged order dated 5.1.2016 passed by the learned Civil Judge, Senior Division, Solapur below Exhibit-36 in Special Civil Suit No.165 of 2013. By that order, the learned trial Judge rejected the application made by the petitioners for staying proceedings of Special Civil Suit No.162 of 2013 and Regular Civil Suit No.649 of 2013 till such time original Issar-pavti dated 19.6.2011 is produced in the court from police custody.

3. Mr. Deshpande states that petitioner no.1-Suresh Pandurang Bhokare is present in the court. He has tendered photocopy of identity card of Mr. Suresh Pandurang Bhokare issued by Election Commission of India which is taken on record and marked "X" for

identification.

4. After arguing petition for sometime, Mr. Deshpande, after taking instructions from petitioner no.1, seeks permission to withdraw the Application Exhibit-36 with permission to file fresh application for the same relief after giving all the details for staying the proceedings till such time original Issar-pavti dated 19.6.2011 is produced from the custody of police and tendered in court.

5. On the motion made by Mr. Deshpande, Petition is allowed to be withdrawn with liberty as prayed for. All contentions of the respondents on merits are kept open. Order accordingly.

(R.G.KETKAR, J.)