

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 2024 OF 2016

BHARAT D. PATIL

...Petitioner

Versus

RAMNIRANJAN DAGA AND ORS.

...Respondents

....

Mr. Onkar Warange, Advocate for the Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 16th MARCH, 2016

P.C.

1. Heard Mr. Onkar Warange, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 19.12.2015 passed by learned Civil Judge, Senior Division, Panvel below Exh.15 in Special Civil Suit No.379/2014. By that order, learned trial Judge allowed the application made by the defendant No.1 under Section 9A of Code of Civil Procedure, 1908 (for short, 'CPC') and which has a result of dismissing the suit on the ground that it is barred by limitation.

3. Mr. Warange seeks permission to withdraw this petition with liberty to file substantive appeal as by the impugned order, the learned trial Judge has dismissed the suit. On the motion made by Mr. Warange, the petition is allowed to be withdrawn with liberty as prayed for and is disposed of according. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)