

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7405 OF 2016

Smt. Mathurabai Rajaram Tidke
and Ors

..Petitioners.

Vs

Smt. Kusum Rajaram Tidke and
Ors

.. Respondents

Mr. Sachin Gite, Advocate for Petitioners.

Mr. Girish R. Agarwal, Advocate for Respondents no.1 and 2.

**CORAM : R.G.KETKAR,J.
DATE : 22/12/2016**

PC:

1. Heard Mr. Sachine Gite, learned counsel for the petitioners and Mr.Girish Agarwal, learned counsel for respondents no.1 and 2 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners, hereinafter referred to as 'defendants no. 1 to 4", have challenged the Judgment and order dated 1.1.2016 passed by the learned 6th Jt. Civil Judge, Jr. Dn., Nashik below Exhibit-74 in Regular Civil Suit No.113 of 2010. By that order, the learned trial Judge allowed the application made by defendant no.5 under Order 38, Rule 5 of C.P.C for attaching the properties described in paragraph 1A (1) and (2) before the Judgment.

3. After arguing the petition for quite some time, Mr. Gite upon taking telephonic instructions, seeks permission to withdraw this petition. On the motion made by Mr. Gite, Petition

is allowed to be withdrawn and is dismissed as withdrawn. Order accordingly.

(R.G.KETKAR, J.)