

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.4241 OF 2016**

|                                                                                                           |                                               |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders.                    |
|                                                                                                           | Mr. Bhushan Walimbe, Advocate for Petitioner. |

CORAM : R.G.KETKAR,J.

DATE : 21/04/2016

**P.C.:**

1. Heard Mr.Bhushan Walimbe, learned Counsel for the petitioner, at length.
2. By this petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 23.3.2016 passed by learned Civil Judge, Junior Division, Deogad below Exhibit-114 in R.C.S. No.72/2011. By that order, learned trial Judge rejected the application made by the petitioner, hereinafter referred to as the 'plaintiff', for production of document with list annexed thereto.

3. After arguing the petition for quite sometime, Mr. Walimbe, upon taking instructions, seeks permission to withdraw the Petition. He submitted that in case the suit is decided against him, liberty may be reserved to the petitioner to challenge the impugned order in terms of Section 105(1) of Code of Civil Procedure, 1908 (for short, 'CPC'). In view thereof, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that where a decree is challenged by the petitioner, any error, defect or irregularity in impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of the proposed proceedings as contended by section 105(1) of CPC.

(R.G.KETKAR, J.)