

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12268 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.Amey Deshpande, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 26/10/2016

P.C.:

1. Not on board. At the request of Mr.Deshpande, taken up for admission.
2. By this Petition under Article 227 of the Constitution of India, the petitioners, hereinafter referred to as the 'plaintiffs', have challenged the judgment and order dated 18.12.2015 passed by the learned Additional Jt. Civil Judge, Junior Division at Manmad below Exhibit-63 in R.C.S. No.79/2004. By that order, the learned trial Judge rejected the application made by the plaintiffs under Order VI Rule 7 of Code of Civil Procedure, 1908 (for short, 'C.P.C.') on the ground that no particulars are given by the plaintiffs in the application for amendment. Learned trial Judge, therefore, rejected the application.

3. After arguing the Petition for quite sometime, Mr. Deshpande submits that the plaintiffs will withdraw the application Exhibit-63 and file fresh application giving necessary details. In view thereof, application Exhibit-63 is allowed to be withdrawn with liberty as prayed for. It is made clear that all the contentions of the respondents including maintainability of such application are kept open. Grant of liberty shall not be construed as expression on merits either way. Petition is disposed of in aforesaid terms. Order accordingly.

(R. G. KETKAR, J.)