

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4572 OF 2016

Meera Tukaram Gaikwad and another ... Petitioners
Vs.
State of Maharashtra and others ... Respondents

Mr. Amey Deshpande for Petitioners.

CORAM : R. G. KETKAR, J.
DATE : 18TH APRIL, 2016

P.C. :

Heard Mr. Deshpande, learned Counsel for petitioners at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 04.03.2016 passed by the learned Joint Civil Judge, Senior Division, Pune below exhibit-107 in Special Civil Suit No.759 of 2004. By that order, the learned trial Judge rejected the application made by the petitioners, hereinafter referred to as plaintiffs, under Order VI, Rule 17 of the Code of Civil Procedure, 1908 for amending the plaint.

3. After arguing the Petition for quite some time, Mr. Deshpande seeks leave to withdraw this Petition with liberty to take out application in the trial Court for withdrawal of the Suit and to file fresh Suit on the same cause of action.

4. In view thereof, on the motion made by Mr. Deshpande, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as expression of merits either way. All the contentions of respondents in respect of the proposed application for withdrawal of the Suit as also in respect of the fresh Suit on the same cause of action are expressly kept open.

(R. G. KETKAR, J.)