

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.559 OF 2016

Vijaykumar Manik Gaikwad

..Petitioner

Versus

Sou. Archana Dattatray Kalkumbe
and others.

..Respondents

....
Mr. S.P. Raje Pandhare i/b. Ajay A. Joshi, Advocate for the
Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 20th JANUARY, 2016

P.C.

1. Heard Mr. S.P. Raje Pandhare, learned Counsel for the
petitioner at length.

2. By this Petition under Article 227 of Constitution of
India, the petitioner, hereinafter referred to as 'defendant No.4',
has challenged the judgment and order dated 11.3.2015 passed
by the learned 6th Jt. Civil Judge, Junior Division at Pandharpur
below Exhibit-92 in R.C.S. No.591 of 2007. By that order,
learned trial Court rejected the application made by defendant
No.4 for setting aside No-WS order and praying to accept his

written statement.

3. After arguing the Petition for quite sometime, Mr. Raje Pandhare, upon taking instructions from the Petitioner, seeks permission to withdraw the application below Exhibit-92 with liberty to file fresh application giving all the necessary details.

4. In view thereof, on the motion made by Mr. Raje Pandhare, the application below Exhibit-92 in R.C.S. No.591 of 2007 is allowed to be withdrawn with liberty as prayed for. All the contentions of respondents 1 and 2 (original plaintiffs), on merits as also about maintainability, are expressly kept open. If such an application is filed, learned trial Court Judge will pass appropriate order uninfluenced by the observations made in the impugned order. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)