

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7324 OF 2015**

Kavita Vinod Nirmalkar and Ors

..Petitioners

Vs

M/s Dharmaday Developers and
Anr.

.. Respondents

Mr. Tushar N. Sonawane, Advocate for the Petitioners.

CORAM : R.G.KETKAR,J.

DATE : 12/04/2016

PC:

1. Heard Mr. Tushar Sonawane, learned counsel for the petitioners at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the Judgment and order dated 24.6.2015 passed by the learned Jt. Civil Judge, Sr. Dn., Nashik below Exhibit 26 in Spl. Civil Suit No.193 of 2013. By that order, the learned trial Judge rejected the application made by the petitioners under Order 39, Rule 7 of C.P.C. for appointment of Court Commissioner for inspecting the suit property.
3. After arguing the matter for sometime, Mr. Sonawane, upon taking instructions from Mr. Amit D. Irshid, representative of the petitioners, seeks permission to withdraw this Petition with liberty to take out appropriate application for appropriate reliefs at appropriate stage of the proceedings.

4. On the motion made by Mr. Sonawne, Petition is allowed to be withdrawn with liberty as prayed for. Grant of such liberty shall not be construed as an expression of merits either way. All contentions of the respondents including maintainability of such application are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)