

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12908 OF 2016

(Kamalakar Mahadev Tembulkar Vs. Shakuntala Sahadev Gavandi (decd) through her LR Vijay B. Gavandi)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Mr. Manas N. Gawankar for Petitioner.
Mr. Prashant M. Patil for Respondent.

CORAM : R. G. KETKAR, J.

DATE : 29TH NOVEMBER, 2016

P.C.:

Heard Mr. Gawankar, learned Counsel for petitioner and Mr. Patil, learned Counsel for respondent.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 18.08.2016 passed by the learned Principal District Judge, Sindhudurg-Oros below exhibit-21 in Regular Civil Suit No.160 of 2011. By that order, the learned District Judge rejected the application made by the petitioner-appellant for amending the written statement.

3. Matter was heard at length on 25.11.2016. At the request of Mr. Gawankar, it was adjourned till today so as to enable him to take instructions. Upon taking

instructions, Mr. Gawankar seeks permission to withdraw the Petition.

4. On the motion made by Mr. Gawankar, Petition is allowed to be withdrawn and is dismissed as withdrawn. However, it is made clear that where a decree is challenged by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the proposed proceedings as contemplated by Section 105(1) of C.P.C. Order accordingly.

(R. G. KETKAR, J.)

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