

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 9747 OF 2015

BASHIR S/O BABASAHEB JAHAGIRDAR ...Petitioner
Versus
SOMNATH WAMAN SHINDE AND ORS ...Respondents

....
Mr. P.B. Gujar, Advocate for the Petitioner.
Mr. A.R. Metkari, AGP, for Respondent-State.
....

CORAM : R. G. KETKAR, J.

DATE : 5th FEBRUARY, 2016

P.C.

1. Not on board. At the request of Mr. Gujar taken up in the production board.
2. Heard Mr. Prabhanjan Gujar, learned Counsel for the petitioner.
3. Mr. Gujar submitted that respondent Nos.1 to 9 herein had instituted Regular Civil Suit No.446/2013 against respondent Nos.10 & 11 for perpetual injunction. During pendency of the Suit, the petitioner took out application for impleadment under Order I Rule 10(2) of Code of Civil Procedure, 1908 (for short, 'CPC'). By the impugned order,

learned trial Judge rejected the application. During pendency of the Suit, respondent Nos.1 to 9 filed application Exh.66 for withdrawal of the Suit. Learned trial Judge disposed of the suit qua respondent Nos.1, 2 and 4 to 9 and disposed of the suit as abated qua respondent No.3. He has placed on record photo copy of the orders dated 3.12.2015 passed by learned trial Judge in Regular Civil Suit No.446/2013, which is taken on record and marked "X" for identification. He has also tendered a letter dated 4.2.2016 addressed to him by the petitioner instructing him to withdraw the Petition. Same is also taken on record and marked "Y" for identification. In view thereof, Mr. Gujar seeks permission to withdraw this Petition.

4. On the motion made by Mr. Gujar, the Petition is allowed to be withdrawn and is disposed of as withdrawn.

(R. G. KETKAR, J.)

Deshmane (PS)