

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 9911 OF 2015

SUDHIR MANIK DESHMUKH ...Petitioner

Versus

MANJIRI HORSE BREEDERS FARM
PVT. LTD. ...Respondent

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Mr. Jaydeep Deo, Advocate for the Petitioner.

Mr. Milind N. Jadhav a/w. Mr. Vijay S. Tiwari, Mr. Vishal Mishra
& Mr. Shehzad i/b. Maneksha & Sethana, for the Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 02nd MARCH, 2016

P.C.

1. Heard Mr. Jaydeep Deo, learned Counsel for the petitioner and Mr. Milind Jadhav, learned Counsel for the respondent, at length.

2. By this petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 4.9.2015 passed by learned Jt. Civil Judge, Junior Division, Court Room No.8, Pune below Exh.15 in R.C.S. No.827/2015. By that order, learned trial Judge rejected the application made by the petitioner, hereinafter referred to as the

'defendant', under Order 32 Rules 3 & 15 of Code of Civil Procedure, 1908.

3. After arguing the petition for quite some time, Mr. Deo seeks permission to withdraw application Exhibit-15 with liberty to file fresh application giving all the details of mental illness of the defendant duly supported by documents.

4. In view thereof, on the motion made by Mr. Deo, application Exhibit-15 is allowed to be withdrawn with liberty as prayed for. All contentions of the respondent in the proposed proceedings are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)