

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 9966 OF 2013

SOU. VINA VILAS KATRE,
THROUGH POWER OF ATTORNEY,
DR. SUBHASH NATHMAL PALLOD

...Petitioner

Versus

SHRI. VIJAY KISAN MAHALE/ PAWAR
AND ORS

...Respondents

....

Mr. R.S. Apte, Senior Counsel aw/. Mahendra M. Agavekar i/b.
Mandar Limaye, for the Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 09th MARCH, 2016

P.C.

1. Heard Mr. R.S. Apte, learned Senior Counsel for the petitioner, at length. None appears for the respondents despite service.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 17.9.2013 passed by learned Joint Civil Judge, Senior Division, Pune below Exh.28 in Special Civil Suit No.363/2010. By that order, learned trial Judge rejected the application

Exhibit-28 made by the petitioner, hereinafter referred to as 'defendant No.1' for setting aside order dated 12.11.2010 for proceeding the suit without her written statement.

3. After arguing the petition for quite sometime, Mr. Apte seeks permission to withdraw application Exhibit-28 with liberty to file fresh application giving all necessary details for setting aside no written statement order.

4. On the motion made by Mr.Apte, application Exhibit-28 is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be considered as an expression on merits of the application, either way. All contentions of the respondents are expressly kept open. If such an application is made, learned trial Judge will decide said application uninfluenced by the impugned order as also this order. Order accordingly.

(R. G. KETKAR, J.)