

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12339 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Savita A. Prabhune, Advocate for Petitioners.	
CORAM : R.G.KETKAR,J.	
DATE : 22/03/2016	

PC:

1. Heard Ms.Savita Prabhune, learned counsel for the petitioners.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 1.9.2015 passed by the learned Civil Judge, Junior Division, Daund, Pune, below Exhibit-23 in Regular Civil Suit No.27/2015. By that order, the learned trial Judge rejected the application made by the petitioners (defendant Nos.1 to 3) seeking permission to file written statement.
3. Ms. Prabhune states that along with

application for setting aside 'no-WS' order, the petitioners did not file application for condoning the delay in filing application for setting aside the 'no-WS' order. She further submits that along with the application, the petitioners have filed written statement, but did not file an affidavit as contemplated by Order 6 Rule 15 of CPC. She therefore seeks permission to withdraw application Exh.23 with liberty to file fresh application for setting aside 'no-WS' order as also separate application for condoning the delay in filing the application for setting aside 'no-WS' order. In view thereof, on the motion made of Ms. Prabhune, Petition is allowed to be withdrawn with liberty as prayed for. Order accordingly.

(R.G.KETKAR, J.)