

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.13185 OF 2016

Sanjay Maruti Mhetar and another ... Petitioners  
Vs.  
Ichalkaranji Nagarparishad through Chief Officer  
and others ... Respondents

Mr. Prashant P. Kulkarni for Petitioners.  
Mr Akshay Shinde for Respondent No.1.

**CORAM : R. G. KETKAR, J.**  
**DATE : DECEMBER 20, 2016**

**P.C. :**

Heard Mr. Kulkarni, learned Counsel for petitioners and  
Mr. Shinde, learned Counsel for respondent No.1.

2. By this Petition under Article 227 of the Constitution of India, petitioners, hereinafter referred to as 'third party', have challenged the judgment and order dated 14.12.2015 passed by the learned District Judge-1, Ichalkaranji below exhibits 43 and 49 in Regular Civil Appeal No.75 of 2009 as also the judgment and order dated 26.10.2016 passed by the learned District Judge in Review Petition No.1 of 2016. By order dated 14.12.2015, the learned District Judge rejected the application filed by third party under Order 1, Rule 10(2) of C.P.C. for impleading them as plaintiffs No.2 and 3 in the Suit. Third party thereafter filed review petition, which was also dismissed.

3. After arguing the Petition for quite some time, Mr. Kulkarni, upon taking instructions from the petitioners, seeks permission to withdraw this Petition with liberty to challenge the judgment and decree dated 13.06.2009 passed in Regular Civil Suit No.194 of 2005.

4. On the motion made by Mr. Kulkarni, Petition is allowed to be withdrawn and is dismissed as withdrawn with liberty as prayed for. It is made clear that liberty is granted to the petitioners to challenge the decree dated 13.06.2009 passed in Regular Civil Suit No.194 of 2005, if permissible in law. All contentions of the opposite party, including maintainability of the proposed proceedings, are expressly kept open. Order accordingly.

**(R. G. KETKAR, J.)**

*Minal Parab*