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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 188 OF 2016
WITH
CIVIL APPLICATION NO. 54 OF 2016

Shri Arjun Pandurang Gharat and others ... Petitioners

Vs.

Shri Shankar Narayan Gharat and others ... Respondents

Mr.Niketan Nakhawa, Advocate for the Petitioners.

Mr.Rahul Thakur, Advocate for Respondents No.1 to 7.

CORAM : R.G.KETKAR, J.

DATE : 14th JANUARY, 2016

P.C. :

. Heard Mr.Niketan Nakhawa, learned Counsel for the petitioners and Mr.Rahul Thakur, learned Counsel for Respondents No. 1 to 7.

2. By this Petition under Article 227 of the Constitution of India, original plaintiffs have challenged the judgment and order dated 12/10/2015 passed by the learned Joint Civil Judge, Junior Division, Uran below Exhibit 46 in Regular Civil Suit No. 178 of 2012. By that order, the learned trial Judge rejected the application made by the petitioners- original plaintiffs under Order 6 Rule 17 of Code of Civil Procedure, 1908 (for short 'C.P.C.') for amending the plaint.

3. After arguing the Petition for quite some time, Mr.Nakhawa seeks permission to withdraw application at Exhibit 46 with liberty to file a fresh application giving all the necessary details.

4. On the motion made by Mr.Nakhawa, petitioners are permitted to withdraw application Exhibit 46 with liberty to file a fresh application giving all the details. If such application is filed, the learned trial Judge will decide the same in accordance with law and uninfluenced by the observations made in the impugned order. Order accordingly.

(R.G.KETKAR, J.)