

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 152 OF 2016

BHIMSHANKAR RACHAPPA MITKARI
VERSUS
GANPATI SHANKAR POTDAR AND OTHERS

...
Advocate for Petitioner : Shri N.P. Patil Jamalpurkar

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 03, 2017
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PER COURT :-

1. This matter has been heard for quite some time.
2. None appears for the respondents.
3. By order dated 23.11.2016, the petitioner / defendant was directed to produce a copy of the plaint. Till today, copy of the plaint has not been filed.
4. Shri Patil submits on instructions that as the petitioner / defendant desires to make an application under Section 75 read with Order XXVI Rule 9 of the CPC for seeking a joint measurements of the properties of the plaintiff as well as the defendants, he desires that this petition be allowed to be withdrawn.

5. Considering the above, this petition is disposed off as withdrawn.

6. In the event the petitioner files such an application, the same would be considered by the trial Court on it's own merits as this Court has not expressed any opinion with regard to the merits of the said application.

(RAVINDRA V. GHUGE, J.)

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akl/d