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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4453 OF 2015

Anita Ramesh Ghusale

PETITIONER

VERSUS

Kamalbhai Motiram Bhambale and Others

RESPONDENTS

.....

Mr. A. A. Khande, Advocate for the petitioner

Mr. J. N. Ghuge, Advocate for respondents

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th JULY, 2017

ORDER :

1. Heard learned advocates for the parties.
2. According to learned advocate for the petitioner, trial court has went about the matter looking at only one aspect, pursuant to Order XXIII of the Civil Procedure Code and has considered whether suit suffers from formal defect or not and no other consideration has weighed with the trial court while deciding application.
3. Learned advocate for the petitioner purports to refer to that there had been earlier litigation in respect of various properties and that there have been certain other properties

which have not been included in the litigation.

4. Learned advocate for the petitioner submits that these precisely are the reasons for which withdrawal from present proceeding Regular Civil Suit No. 20 of 2010 is being sought as antecedents are likely to hinder and likely to affect rights of the petitioner.

5. Learned advocate for the respondent contends that all these submissions are outside application and submissions before trial court. None of these submissions had been made during hearing of the application.

6. Thus, it emerges that so far as application and submissions before trial court are concerned, order passed can hardly be faulted with.

7. In the circumstances, petition is not being entertained and is disposed of. Learned advocate for the petitioner urges for liberty to file another application for requisite purpose underlying application Exhibit-82. In such a case application, if any is filed, it is for the trial court to decide the same on its own merits and in accordance with law.

[SUNIL P. DESHMUKH, J.]