

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2184 OF 2017

Shri Bandendra Devappa Kole,
since deceased, through legal
heirs Smt Bebitai Bandendra
Kole and Ors.

..Petitioners.

Vs

Shri Dilip Sukhdev Gavali and
Ors

.. Respondents

Mr. P.M.Arjunwadkar, Advocate for Petitioners.

CORAM : R.G.KETKAR,J.
DATE : 22/02/2017

PC:

1. Not on Board. At the request of Mr.Arjunwadkar, taken up for admission. Heard Mr. P.M.Arjunwadkar, 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 25.1.2017 passed by the learned Principal District Judge, Sangli below Exhibit 40 in Regular Civil Appeal No. 206 of 2016. By that order, the learned Principal District Judge rejected the application made by the petitioners for injunction restraining respondents no.1 to 5 from causing obstruction to the peaceful possession of petitioners and respondents no. 6 to 10 over the suit land.

3. Mr. Arjunwadkar fairly invited my attention to the decision

dated 17.3.2015 passed by this Court in Writ Petition (Stamp) No. 31823 of 2014 and seeks permission to withdraw this Petition with liberty to file Appeal from Order in this Court.

4. Having regard to the impugned order as also Section 106 read with Order 43, Rule 1 (r) of C.P.C. and decision of this Court dated 17.3.2015 in Subhash Sheti Pawar Vs. Sou Minkashi Ravindra Zadbuke (Writ Petition (Stamp) No.31823 of 2014, I find that request made by Mr. Arjunwadkar is reasonable. Hence, petition is allowed to be withdrawn with liberty as prayed for.

5. Mr. Arjunwadkar assures that he will file Appeal from Order and take out Civil Application for interim relief on or before 3.3.2017. He further states that learned Principal District Judge has stayed the order till 23.2.2017.

6. In view thereof, notwithstanding withdrawal of the petition, the order dated 25.1.2017 staying the order till 23.2.2017 shall remain in force upto and inclusive of 3.3.2017 and thereafter shall stand dissolved automatically. This shall be subject to further orders in the proposed Appeal from Order. Order accordingly.

(R.G.KETKAR, J.)