

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

WRIT PETITION NO. 6874 OF 2014

Mahadev Bhau Kale

... Petitioner

Versus

Gojaba Aba Kale & ors.

... Respondents

Mr. Madhav Jamdar for the petitioner.

Mr. Pradeep S. Gole for respondents.

CORAM : M.S. SANKLECHA, J.

DATE : 19th SEPTEMBER, 2017.

P.C. :-

1. This petition under Article 227 of the Constitution of India challenges order dated 22nd January, 2014 passed by the Principal District Judge, Satara. By the impugned order the petitioner's application to amend his plaint during the appellate proceedings was rejected.

2. On 10th September, 2015, while issuing notice to the respondents the appeal Court was restrained from proceeding with the hearing of appeal.

3. Today, when the petition was called out, Mr. Madhav Jamdar the learned Counsel for the petitioner on instructions states that he

seeks to withdraw this petition with liberty to file a separate suit for possession. In fact, he has been instructed to inform the Court that he will be withdrawing his appeal being RCA No.33 of 2011 pending before the Principal District Judge, Satara in which the impugned order was passed.

4. Liberty as prayed for granted.
5. Petition dismissed as withdrawn with liberty as prayed.

(M.S. SANKLECHA, J.)