

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6926 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr.Sanjiv A. Sawant, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 16/01/2017

P.C.:

1. Heard Mr.Sanjiv Sawant, learned Counsel for the petitioners, at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioners, hereinafter referred to as 'defendants No.1 & 2', have challenged the judgment and order dated 21.8.2014 passed by the learned Jt. Civil Judge, Junior Division, Kurundwad below Exhibit-5 in R.C.S. No.68/2014 as also judgment and order dated 18.3.2015 passed by the learned District Judge-1, Jaysingpur in Misc. Civil Appeal No.52/2014. By these orders, the Courts below allowed the application Exhibit-5 filed by the plaintiff and issued injunction restraining defendant No.2 from obstructing the possession of the plaintiff restraining defendant No.2 from

causing obstruction to the plaintiff's possession over the suit property during pendency of the suit.

3. After arguing the petition for quite some time, Mr. Sawant seeks permission to withdraw the Petition. Mr. Sawant has tendered letter dated 16.1.2017 addressed by petitioner No.2, which is taken on record and marked 'X' for identification. Mr. Sawant submitted that the learned trial Judge may be directed to dispose of the suit on the basis of evidence on record and on its own merits in accordance with law uninfluenced by the observations made by the impugned orders.

4. In view thereof on the motion made by Mr.Sawant, Petition is allowed to withdraw the Petition and is disposed of as such. Needless to say that the learned trial Judge will decide the suit on the basis of evidence on record on its own merits in accordance with law uninfluenced by the observations made in the impugned orders, being the orders passed at the interlocutory stage. Order accordingly.

(R. G. KETKAR, J.)