

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

CIVIL WRIT PETITION No. 7727 OF 2015

Baban Narayan Kale & Ors.

...Petitioners

Vs.

Rambhau Sidhu Kale D.H.
& Ors.

...Respondents

Mr. Dhairyasheel Sutar, for the Petitioners
Mr. Chaitanya Nikte, for Respondent No.2

CORAM : M.S. SANKLECHA, J.
TUESDAY, 8th AUGUST, 2017

P.C.

1. This petition under Article 227 of the Constitution of India challenges the order dated 29.9.2014 passed by the Joint Civil Judge, Junior Division, Pune. By the impugned order, the application filed by the Respondents seeking a direction that the Petitioners should elect one of the two prayers viz. prayer clause (a) for declaration that the sale deed in favour of the Respondents is null and void, or in the alternative prayer clause (b) claiming ownership of the suit property by adverse possession, was allowed. Mr. Sutar, learned counsel appearing for the Petitioners took time on 21.12.2016 to make statement as to which of the prayer clauses (a) or (d) he seeks to press.

2. Today, Mr. Sutar presses prayer clause (a) and dropped prayer clause (d). Further he states that the Petitioners would make an appropriate application for amendment before the Trial Court. Therefore, he seeks leave to withdraw the writ petition.
3. In the above view, writ petition is disposed of as withdrawn.

[M. S. SANKLECHA, J.]