

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION [ST.] NO.23672 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Bhushan Walimbe, Advocate for the Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 06/04/2017

P.C.:

1. Not on board. At the request of Mr.Walimbe, taken up in the production board.
2. Heard Mr.Bhushan Walimbe, learned Counsel for the petitioner.
3. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 21.10.2013 passed by the learned Civil Judge, Senior Division, Islampur below Exhibit-15 in Hindu Marriage Petition No.124/2012. By that order, the learned trial Judge rejected the application made by the petitioner under Order XXXII Rule 15 of C.P.C. for appointment of the guardian of the respondent.
4. A perusal of the application Exhibit-15

made by the petitioner shows that the petitioner has simply asserted that the respondent is suffering from mental illness without producing any medical evidence. The application was also not signed by him. It was also not supported by an affidavit.

5. Mr. Walimbe, therefore, seeks permission to withdraw the application Exhibit-15 as also present Petition with liberty to file fresh application giving all the details and duly supported by medical evidence.

6. On the motion made by Mr. Walimbe, application Exhibit-15 as also present Petition are allowed to be withdrawn with liberty as prayed for. If the petitioner files an application giving requisite details duly supported by medical evidence including the certificate earlier produced, the learned trial Judge will pass appropriate order keeping in mind the provisions of Order XXXII Rule 15 of C.P.C. and without being influenced by the impugned order. Order accordingly.

(R. G. KETKAR, J.)