

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13210 OF 2016

Tanaji Nanaso Desai and others ... Petitioners
Vs.
Sambhaji Nanaso Desai (decd) through LRs and others... Respondents

Mr. Anant Vadgaonkar for Petitioners.
Mr. Umesh R. Mankapure for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 04, 2017

P.C. :

Heard Mr. Vadgaonkar, learned Counsel for petitioners and Mr. Mankapure, learned Counsel for respondents at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 25.08.2016 passed by the learned Ad-hoc District Judge-1, Sangli in Regular Civil Appeal No.329 of 2015. By that order, the learned District Judge allowed the appeal. The learned District Judge allowed application exhibit-51 in Final Decree Application No.4 of 2012 and declared that the area of the property out of City Survey No.46 and 47 situate at the Eastern side admeasuring East-West 14 ft. and South-North 67.5 ft. belongs to the appellant as owner.

3. Appellant before the learned District Judge had filed proceedings under Section 47 read with Order 21, Rule 97 of C.P.C. In view thereof, Mr. Vadgaonkar seeks permission to withdraw this Petition with liberty to file Second Appeal in this Court. Mr. Mankapure has no objection.

4. In view thereof, on the motion made by Mr. Vadgaonkar, Petition

is allowed to be withdrawn with liberty as prayed for and is disposed of as such. Registry is directed to return the certified copies to the petitioners. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)

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