

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3357 OF 2016

Shri Bhikaji Ramchandra Patil ..Petitioner
Versus
Shri Janardhan Raghunath Patil
and another. ..Respondents

....
Mr.S.A. Rajeshirke, Advocate for the Petitioner.
....

CORAM : R. G. KETKAR, J.

DATE : 19th JANUARY, 2017

P.C.

1. Heard Mr.S.A. Rajeshirke, learned Counsel for the petitioner, at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 8.7.2015 passed by the learned District Judge-3, Kolhapur below Exhibit-17 in R.C.A. No.178/2012. By that order, the learned District Judge rejected the application filed by the petitioner/appellant under Order 41 Rule 27 of C.P.C. for production of additional evidence.
3. After arguing the petition for quite some time, Mr.

Rajeshirke seeks permission to withdraw this Petition with liberty to file fresh application making out grounds under Order 41 Rule 27(aa) of C.P.C.. He submits that if such liberty is given all contentions of the respondents including maintainability of such application may be kept open.

4. In view thereof, on the motion made by Mr.Rajeshirke, Petition is allowed to be withdrawn with liberty as prayed for and is disposed of as such. Grant of liberty shall not be construed as an expression on merits of the matter either way. All contentions of the respondents including maintainability of such application are kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)