

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13334 OF 2016

Vikas Diliprao Shinde ... Petitioner
Vs.
Dilip Dattu @ Vasant Shinde and others ... Respondents

Mr. Tejesh Dande i/b. Tejesh Dande & Associates for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 09, 2017

P.C. :

Heard Mr. Dande, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, petitioner, hereinafter referred to as 'plaintiff', has challenged the judgment and order dated 01.09.2016 passed by the learned Civil Judge, Senior Division, Barshi below exhibit-60 in Special Civil Suit No.36 of 2012. By that order, the learned trial Judge rejected the application made by the plaintiff seeking permission to produce account passbook and partition deed of his father.

3. After arguing the Petition for quite some time, Mr. Dande states that petitioner will not press this Petition if liberty is granted to file fresh application for the same relief in the trial Court and if such application is made, the learned trial Judge may be directed to dispose of the said application on its own merits and uninfluenced by the observations made in the impugned order.

4. On the motion made by Mr. Dande, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merit either way. All the contentions of

the respondents, including maintainability of such application, are expressly kept open. If the plaintiff files such application, the learned trial Judge will decide the same on its own merits and in accordance with law. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab