

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

WRIT PETITION NO.4248 OF 2017

Digambar Shankarrao Nimankar ... Petitioner

Vs.

Maruti Dattoba Nimankar & Ors. ... Respondents

Mr.D.V. Sutar for Petitioner

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 19, 2017

P.C. :

1. This petition is directed against the order dated 18.8.2016 passed by the learned Civil Judge Senior Division, Ichalkaranji. The plaintiff i.e., the petitioner, has filed a suit for simpliciter injunction against the defendants i.e., the respondents. He wanted to withdraw the suit with liberty to file a fresh suit. So, he moved an application under Order 23 Rule 1(3) of the Civil Procedure Code. The learned Judge has rejected the said application mainly on the ground of granting liberty. Hence, the present petition.

2. The learned Counsel for the Petitioner submits that he be allowed to withdraw the suit and he will file a suit as and when cause of action will arise.

3. I have perused the order passed by the learned trial Judge. Only liberty to withdraw the suit is hereby granted.

4. Writ Petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)