

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1247 OF 2016

Jaywant Chandrakant Pednekar ... Petitioner
Vs.
Prabhavati Narayan Laxman Parkar and others ... Respondents

Mr. A. S. Khandeparkar a/w. Ms Shilpa A. Joshi for Petitioner.
Mr. Ajit S. Hodge i/b. Mr. P. G. Karande for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JULY 9, 2018

P.C. :

Heard Mr. Khandeparkar, learned Counsel for the petitioner and Mr. Hodge, learned Counsel for the respondents at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 20.11.2015 passed by the Appellate Bench of the Small Causes Court at Bombay below exhibit-23 in Appeal No.521 of 2010. By that order, the Appellate Court rejected the application filed by the petitioner under Order XLI, Rule 27 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') for leading additional evidence.

3. After arguing the Petition for quite some time, Mr. Khandeparkar seeks to withdraw this Petition with liberty to agitate the issues raised in the application under Order XLI, Rule 27 of C.P.C. in the event appeal is decided against the petitioner.

4. On the motion made by Mr. Khandeparkar, Petition is allowed to be withdrawn with liberty as prayed for. All contentions of the parties in that regard are expressly kept open. Petition is disposed of. Order accordingly.

(R. G. KETKAR, J.)