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

WRIT PETITION NO.9744 OF 2017

Ramkrishna G Rane	...	Petitioner
V/s.		
Shivajirao Jagannath Bhosale(decd)		
through LRs	...	Respondents

Mr. A. V. Anturkar, Senior Advocate i/by
Prathmesh B. Bhargude, for the Petitioner.
Mr. Dilip Bodake, for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th JANUARY, 2018.

P.C. :

1] Learned Senior Advocate appearing on behalf of the Petitioner, relying on the judgment of Single Judge of this Court, in case of *Karthik Gangdhar Bhat -vs- Nirmala Namdeo Wagh and anr, 2017 (6) ALL MR. 769*, submits that filing of application for the secondary evidence was not necessary at all as held in this decision. Hence the petitioner may be permitted to withdraw this writ petition with liberty to produce these documents in respect of which secondary evidence is sought, at the time of recording evidence of the witnesses.

2] Leave with liberty as prayed for is granted.

3] The Petition is disposed of as withdrawn directing that the observations made by the trial Court in the impugned order would not come in the way of petitioner.

5] It is clarified that this Court has not expressed any opinion about the admissibility of this secondary evidence.

[DR.SHALINI PHANSALKAR-JOSHI, J.]