

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION [ST] NO.30467 OF 2018

Anajali Madhukar Chavan	]	Petitioner
Vs.		
Pradeep Bhalchandra Keer	]	Respondent

.....
Ms. Jyoti Chavan, for Petitioner.
Mr. C.N. Chavan, for Respondent.

.....
CORAM : R.G. KETKAR, J.
DATE : 22nd OCTOBER, 2018.

P.C.

Not on board. At the request of Ms. Chavan, taken up for admission.

2. Heard Ms. Jyoti Chavan, learned Counsel for the petitioner and Mr. Chavan, learned Counsel for the respondent.

3. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 20th October, 2018 passed by the learned trial Judge below Exhibit 38 in R.A.E. Suit No.258 of 2015. By that order, the learned trial Judge rejected the application Exhibit 38 made by defendant No.3 (petitioner herein) for modification of the order dated 6th October, 2018 passed below Exhibit 34.

4. By order dated 6th October, 2018 below Exhibit 34, the learned trial Judge directed both the parties to maintain status-quo in respect of the suit property till the next date of hearing so as to protect the suit premises. It is

common ground between the parties that the next date before the trial Court is 26th October, 2018.

5. After arguing the Petition for quite some time, Ms. Chavan seeks permission to withdraw the Petition un-conditionally. Accordingly, Petition is allowed to be withdrawn and is dismissed as withdrawn.

6. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in memorandum of Appeal as contemplated by Section 105(1) of C.P.C.

[R.G. KETKAR, J.]