

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO.4859 OF 2019

PADMINBAI UTTESHWAR PATIL AND ANOTHER
VERSUS
VASANT SUDAM GILBILE AND OTHERS

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Advocate for Petitioners : Shri Shelke Manoj U.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: July 08, 2019

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PER COURT :-

1. This matter is heard for sometime.
2. The trial Court has rejected application Exhibit 72, filed by the power of attorney holder on behalf of the plaintiffs in RCS No.5 of 2015, thereby, refusing permission to the power of attorney holder to withdraw the suit in the absence of the plaintiffs approaching the trial Court for the said purpose. The trial Court perused the document of power of attorney and noticed that the plaintiffs are the sisters of the father of the power of attorney holder. They had authorized him to file Vakilpatra, lead evidence and compromise in the RTS Appeal pending before the Sub Divisional Officer and represent them for the same purpose before the Courts. There was no authority to withdraw the suit.

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3. Learned Advocate for the petitioners submits on instructions, that the petitioners would withdraw this petition, so as to enable the plaintiffs to approach the trial Court and seek withdrawal of the said suit on the same grounds mentioned in the application Exhibit 72.

4. Considering the above, the writ petition is disposed off as withdrawn with the said liberty and if such an application is filed by the plaintiffs, the trial Court would decide the same on its merits, within sixty days of the date of filing, considering the age of the plaintiffs.

(RAVINDRA V. GHUGE, J.)

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