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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14414 OF 2017

Jagannath Kadu Patil (Died) LRs

PETITIONERS

VERSUS

Yashodabai Rajdhar Patil (Died) LRs and Others RESPONDENTS

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Mrs. Chaitali Kutti - Choudhari h/f Mr. P. N. Kutti Advocate for
petitioners

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 8th JANUARY, 2019

ORDER :

1. Heard learned advocate for the petitioners.
2. Learned advocate for the petitioners submits that application Exhibit-291 had been moved by the plaintiffs – respondents No. 1 and 2 with a view to procrastinate proceedings of Regular Civil Suit No. 404 of 2002. The matter had been pending since 2001 and *pursis* had been filed long back in the year 2001 and the same is sought to be resiled from by filing application Exhibit-291. The application had been moved after examination of two witnesses. These aspects, according to learned advocate for the petitioners, should have been considered and application Exhibit-291 should not have been

entertained.

3. Perusal of the impugned order shows that the *pursis* had been filed under erroneous assumption by learned advocate for plaintiff No. 2 and factual aspect underlying present application Exhibit-291 are not being disputed.

4. In the circumstances, for the reasons as have been referred to and particularly having regard to that the court had considered that no prejudice would be caused to the other side though two witnesses have been examined and only a mistake is being corrected, it does not appear to be a case wherein writ petition deserves any consideration.

5. As such, writ petition is not entertained and is rejected.

[SUNIL P. DESHMUKH]
JUDGE