

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

WRIT PETITION NO.2269 OF 2019

Taradas Shivram Vatkar
since deceased through L.Rs.

1) Navin Taradas Vatkar and Anr.

... Petitioners

Vs.

Dhondiram Dadu Gawali
since deceased through L.Rs.

A) Shalabai Dhondiram Gawali and Ors.

... Respondents

.....

Mr. Tejpal S. Ingale for the Petitioners.

Mr. Prashant Bhavake for the Respondents.

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CORAM : M. S. KARNIK, J.

DATE : 26th SEPTEMBER, 2019.

P. C.:

1. Heard learned counsel for the petitioners.
2. After arguing the matter for sometime, learned counsel for the petitioners submits that he would like to withdraw the suit as there are subsequent events on the basis of which he will have to file a fresh suit. He also submits that there are surveys carried out and measurement maps on the basis of which suit will have to be filed. If the petitioners want to withdraw the suit, it is always

open for them to apply to the Trial Court and seek appropriate liberty.

3. Learned counsel for the petitioners states that they would apply to the Trial Court to withdraw the suit with liberty to file a fresh suit on the basis of subsequent events. If such an application is made, the Trial Court will obviously consider the same on merits.

4. In view of these observations, the learned counsel does not press this petition. The same is disposed of.

(M. S. KARNIK, J.)