

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9315 OF 2018

Pramod Shivajirao Gonekar ... Petitioner
Vs.
Mayadevi Ramakant Sulakhe ... Respondent

Mr. A. M. Kulkarni for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : MARCH 12, 2019

P.C. :

Heard Mr. Kulkarni, learned Counsel for the petitioner at length.

2. This Petition takes exception to the order dated 12.03.2018 passed by the learned Ad-hoc District Judge-1, Barshi below exhibit-26 in R.C.A.No.365 of 2014. By that order, the learned District Judge rejected the application made by the petitioner-original defendant under Order VI, Rule 17 of the Code of Civil Procedure, 1908 (for short 'C.P.C.') for amending the written statement.

3. After arguing the Petition for quite some time, Mr. Kulkarni seeks leave to withdraw this Petition.

4. In view thereof, on the motion made by Mr. Kulkarni, Petition is allowed to be withdrawn and is disposed of as such. 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 the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)