

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5529 OF 2019

Shripad Dilip Kerkar

...Petitioner

Versus

Seema Dinesh Prabhu

...Respondent

....

Mr. Bhavin Gada a/w. Ms. Mona Limdi i/b. L.J. Law, for the Petitioner.

Mr. J.S. Kini a/w. Ms. Sapna Krishnappa, Advocate for the Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 03rd MAY, 2019

P.C.

1. Heard Mr. Bhavin Gada, learned counsel for the petitioner and Mr. J.S. Kini, learned counsel for the respondent, at length.
2. This Petition takes exception to the order dated 19.3.2019 passed by the learned Judge, Family Court No.6, Mumbai below Exhibit-26 in Petition No.D.41/2014. By that order, the learned trial Judge rejected the application made by the petitioner seeking permission to reopen his evidence to examine fresh witness/es on whatever terms as the Family Court deems fit to impose.
3. After arguing the Petition for quite some time, Mr. Gada on instructions seeks permission to withdraw this Petition.
4. In view thereof, on the motion made by Mr. Gada, the petition is allowed to be withdrawn and is dismissed as such.
5. It is made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in any 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 Code of Civil Procedure, 1908. Order accordingly.

(R. G. KETKAR, J.)