

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 12369 OF 2019

Suresh K. Nevaskar (Koli)
(since deceased through
Lrs. & ors.) and anr.

.. Petitioners

vs.

Ashanna A. Nagarkar
(since deceased through
Lrs. & ors.) and ors.

.. Respondents

Mr. Siddhartha R. Ronghe for the Petitioners.

CORAM : M. S. SONAK, J.

DATE : 23 APRIL 2019.

P.C. :-

1] Mr. Siddhartha R. Ronghe, learned counsel for the petitioners, based upon instructions from the petitioners, seeks leave to withdraw the petition. He however, submits that it may be made clear that the observations in the impugned order ought not to influence the learned Trial Judge whilst disposing of the suit, on its own merits and in accordance with the evidence which the parties may led before it.

2] Accordingly, leave is granted to withdraw this petition. The petition is dismissed as withdrawn. However, it is made clear that the suit will have to be decided on its own merits

and in accordance with law without being influenced by any observations that may have been made in the impugned order. The observations were made only in the context of deciding whether any case for exercise of powers under Order 12 Rule 6 of CPC was made out. However, at the final stage, all questions will have to be decided on their own merits.

3] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)