

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

WRIT PETITION NO.9457 OF 2019

Mrs.Lata Kishor Sonawane and ors. ... Petitioners

V/s.

Dnyaneshwar Mahapaji @
Mahipati Jorkar and ors. ... Respondents

Mr.Drupad S. Patil i/by Mr.Balasaheb Gunda Ligade,
Advocate for the Petitioners.

Mr.N.C.Walimbe, AGP for Respondent No.77-State.

Ms.Smita Ramchandra Gaidhani, Advocate for
Respondent Nos.1 to 4.

CORAM : UJJAL BHUYAN, J.

DATE : NOVEMBER 28, 2019.

P.C.:-

1. Heard Mr.Drupad S. Patil, learned counsel for the petitioners; Mr.N.C.Walimbe, learned AGP for respondent No.77-State; and Ms.Smita R. Gaidhani, learned counsel for respondent Nos.1 to 4.

2. By filing this petition under Article 227 of the Constitution of India, petitioners seek quashing of order dated 4th February, 2019 passed by the Sub-Divisional Officer, Haveli Division, Pune condoning the delay in

filing the appeal being Appeal No.111 of 2017 by respondent Nos.1 to 4.

3. After hearing the matter at some length, learned counsel for the petitioners submits on instructions of petitioner No.7 on behalf of all the petitioners that petitioners would like to withdraw the writ petition, but makes a prayer before the court to clarify that the order dated 4th February, 2019 was only for the purpose of considering condonation of delay and should not in any manner influence adjudication of the appeal on merit.

4. Learned counsel for the respondents have no objection to the prayer made.

5. In view of above, Sub-Divisional Officer, Haveli Division, Pune may proceed with the appeal and adjudicate the same on its own merit uninfluenced by the observations made while condoning the delay. All contentions are kept open.

6. Writ Petition is disposed of on withdrawal.

(UJJAL BHUYAN, J.)

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