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D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13412 OF 2018**

Vijay Thakrya Patil & Ors

.... Petitioners.

V/s

Naresh Nandkumar Meher & Others

.... Respondents.

Mr. Rajesh Datar for the Petitioner.

Mr. Omkar Khaiyam Shaikh a/w Ms. Ankita Upadhyay for the
Respondents.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 14, 2019

P.C.:-

1] Since motion is made on instructions seeking permission to withdraw the Application-Exhibit-22 which was rejected by the lower Appellate Court with liberty to take such steps as are permissible and available in law for adducing additional evidence, Petitioners are permitted to withdraw the Application-Exhibit-22 tendered before the lower Appellate Court in Appeal No.161 of 2017. Same is dismissed as withdrawn.

2] It shall be open to the Petitioners to take such steps as are permissible and available in law for adducing additional evidence.

3] Mr. Datar, learned Counsel for the Petitioners, on instructions, submits that the Appellants shall not seek any adjournments in appeal and arguments in appeal shall be concluded finally within three months. Since the statement is made on instructions, same is accepted as an undertaking to this Court.

4] In view of above, there shall be stay to the execution of the impugned judgment and decree which is a subject matter of the above referred appeal up to 31/01/2020.

5] Petition is disposed of in the aforesaid terms.

(NITIN W. SAMBRE, J.)