

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

WRIT PETITION NO.1086 OF 2018

Vilas Gulab Bahirat and Ors.

.. Petitioners

V/s.

Vitthal Tukaram Bahirat and Ors.

.. Respondents

Mr.Rajesh R. More for the petitioners

**CORAM: K.K. TATED, J
DATED : JANUARY 25, 2019**

P.C. :

1 Heard.

2 Today the matter is shown on board for withdrawal at the request of advocate for the Petitioner.

3 By this Writ Petition, Petitioner original defendant is challenging the order dated 21.09.2017 passed by Joint Civil Judge, Junior Division Pune below Exhibit-92 in Regular Civil Suit No. 592 of 2014 allowing Respondent original plaintiff's Application to adduce secondary evidence on the point of partition/arrangement deed dated 12.05.1995.

4 The learned counsel for the Petitioner submits that Respondent original plaintiff in its plaint in paragraph 4

specifically stated that there was original partition between family members in the year 1971-72. He submits that he received instruction from this client to withdraw the present Writ Petition with liberty to challenge the impugned order under section 105 of the Code of Civil Procedure, 1908 at the time of filing appeal against final order, if any. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Hence, following order is passed:

- a) Writ Petition stands disposed of as withdrawn, with liberty as stated hereinabove.
- b) No order as to costs.

(K.K. TATED, J.)