

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.2676 of 2018

**(Smt. Bharti wd/o Pradeep Telmasre and ors. .vs. Sanjay Mahadeorrao
Telmasre and ors.)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. A.R. Kaplay, Advocate for Petitioners.
Mr. M.N. Ranade, Advocate for Respondent No.1.
Mr. D.M. Kale, Advocate for Respondent Nos. 2 & 3.

CORAM : Manish Pitale, J.

DATED : March 08, 2019.

The learned counsel for the petitioners informs this Court that the main ground raised in the present writ petition was regarding maintainability of the suit on the ground of Order 2 Rule 2 of the Code of Civil Procedure, 1908. During the pendency of the suit, the trial Court has framed an issue regarding the said subject and the question of maintainability of the suit has now been agitated before the trial Court itself.

In view of the above, the learned counsel for the petitioners seeks leave to withdraw the present writ petition with liberty to agitate the said issue before the trial Court.

In view of the above, writ petition is disposed of as withdrawn with liberty as aforesaid.

JUDGE