

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

SECOND APPEAL 442 OF 2015

(Suresh s/o.Mahadeorao Pokale..vs.. Mahadeo s/o.Devaji Pokale (dead) thr LRS & ors)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Smt. V.P. Thakre, counsel for appellant.
Shri. G.B. Purohit, counsel for 3, 4 & 5.

CORAM: ROHIT B. DEO, J.

DATE: 26th APRIL, 2019.

The trial Court has not accepted Exh. 32 which the plaintiff projected as deed of partition. The suit was for declaration and permanent injunction.

2 Smt. Vijaya Thakre, the learned counsel for the plaintiff submit that since the document of partition is not accepted and the suit property is held to be joint family property, the appellant – plaintiff may be permitted to withdraw the appeal with liberty to institute a comprehensive suit for partition and separate possession.

3 The appellant – plaintiff is permitted to withdraw the appeal with liberty as prayed.

JUDGE