

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14626 OF 2017

SMT MANJULABAI UKHA WAGH
VERSUS
SHRI ARUN SUKHDEO WAGH AND OTHERS

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Advocate for Petitioner : Mr. Patil Paresh B.
Advocate for Respondent Nos.1-8 : Mr. Padalkar H.H.

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CORAM : V.K. JADHAV, J.
Dated : March 03, 2020.

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PER COURT :-

1. Heard both sides.
2. It appears that the Trial Court has rejected the application Exhibit 66 in R.C.S. No.145 of 2012 filed by the petitioner/plaintiff under Order 23 Rule 1(3) of the Civil Procedure Code for withdrawal of the suit with liberty to file suit again on the same cause of action only on the ground that the petitioner/plaintiff has not stated in his application as to the formal defects appearing in the suit. If it is so, then the petitioner/plaintiff is permitted to file a detail application pointing out the formal defects, if any. Upon

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filing such an application, the Trial Court shall consider the same, on its own merits afresh, without influenced by the earlier order passed below Exh.66. Writ Petition is accordingly disposed off. This Court has not expressed anything on merits. All points kept open.

(V.K. JADHAV, J.)

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