

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

WRIT PETITION NO. 429 OF 2020

Vijay T. Patil and ors. ...Petitioners
vs.
Naresh Nandkumar Meher and ors. ...Respondents

Mr. R.S. Datar for the Petitioners.
Mr. Omar K. Shaikh with Ankita Upadhyay for the Respondent Nos. 1 to 3.

CORAM : REVATI MOHITE DERE, J.
DATE : 20th January, 2020

PC:

1. After hearing learned counsel for the parties, it appears that there is a dispute with respect to whether this court had granted the petitioners permission to withdraw the earlier writ petition with liberty to file a similar application.

2. It is not in dispute that, the petitioners had earlier filed Writ Petition No. 13412 of 2018 for adducing additional evidence. The said petition filed against the order of the Trial Court rejecting petitioner's prayer for adducing additional evidence was withdrawn before the Hon'ble (Nitin W. Sambre, J.) However, liberty was granted to the petitioners to take steps as permissible and available in law for adducing additional evidence. Learned counsel for the respondents states that the matter was argued and when the court was not inclined to entertain the petition, the said petition was withdrawn. He submits that, liberty was not granted to the petitioners to file an identical application with the same prayer. In view of what is stated

aforesaid, it would be appropriate, to direct the registry to place the petition before the same Court (Justice N.W.Sambre, J.) who has rejected the earlier petition filed by the petitioners seeking the same prayer.

REVATI MOHITE DERE, J.