

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5270 OF 2019**

Ravikant Harbanslal Sakuja	...Petitioner
Versus	
Seema Rajiv Anand & Ors.	...Respondents

Mr. Sandeep Mahadik for the Petitioner

Mr. Shivajirao Satpute i/b Satpute & Co. for the Respondent No.1

CORAM : REVATI MOHITE DERE, J.
MONDAY, 24th FEBRUARY 2020

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 8th October 2018 passed by the learned 8th Joint Civil Judge (Senior Division), Pune, below Exhibit 68 in Special Civil Suit No. 399/2017, by which, the learned Judge was pleased to reject the petitioner's application seeking withdrawal of the *pursis* dated 2nd December 2016 filed by him.

3 Learned counsel for the petitioner submits that having regard to the peculiar facts, the learned Judge should have allowed the application and permitted the petitioner to withdraw his *pursis*.

4 Learned counsel for the respondents opposed the petition. He submits that no interference is warranted in the impugned order, inasmuch as, learned Judge has observed that, “*such pursis by no stretch of imagination is yet acted upon either in favour or either against either of the parties to the proceeding. In such circumstances, it hardly matters whether such pursis is withdrawn or not withdrawn.*”

5 Perused the papers. The learned Judge has rightly observed that the withdrawal of the *pursis* would make no difference, inasmuch as, the same has not been acted upon and since the petitioner has disclosed his intention of contesting the Suit on merits.

6 Considering what is stated aforesaid, no infirmity is found in the impugned order. Accordingly, the petition is dismissed.

7 Learned Judge to decide the Suit on its own merits in accordance with law. All contentions of the parties in the Suit are kept open.

REVATI MOHITE DERE, J.