

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

CIVIL REVISION APPLICATION NO.120/2019

Niranjan S/o Bhaurao Chaudhari

...Versus...

Waman Bhaurao Chaudhari (Since dead) through legal heirs
Smt. Satyabhama Wd/o. Wamanrao Chaudhari and others

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

Court's or Judge's orders

Shri R.L. Khapre, Sr. Advocate assisted by Shri A.P. Tathod, Advocate for applicant
Shri V.A. Kothale, Advocate for respondents

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/08/2022

1. Shri Kothale, learned counsel for the respondents/original plaintiffs makes a categorical statement that the plaintiffs are not biologically related to Shri Bhaurao Harbaji Choudhary, neither the plaintiffs claim to have been adopted by him.

2. After some arguments, when the Court expressed its opinion that the application under Order VII Rule 11 (a) of the Code of Civil Procedure was liable to be accepted, Shri Kothale, learned counsel for the respondents/original plaintiffs seeks to withdraw the original plaint, with liberty to take appropriate proceedings, as available in law.

3. Shri Khapre, learned Senior counsel for the applicant objects to this course of action. However, since the plaint itself is being withdrawn and the right to take appropriate steps, as available in law, is a right, which is available to the plaintiffs even otherwise, the request of Shri Kothale, learned counsel for the respondents/plaintiffs is accepted and the plaint in Regular Civil Suit No.36/2016 is hereby permitted to be withdrawn with liberty to take recourse, as available in law, in view of which, the present civil revision application becomes infructuous and is dismissed as such. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar