

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

**WRIT PETITION NO.2793 OF 2023**

Mirza Aliwar Baig S/o. Mirza Faiyaz Baig  
died through his L.Rs  
Mirza Humayan Baig S/o. Mirza Aliyawr Baig  
and others

.... Petitioners

Versus

Narayandas S/o. Motiram Kundani  
died through L.Rs.  
Ghanshyam S/o. Narayandas Kundanani  
and others

.... Respondents

.....  
Mr. Arvind S. Deshmukh, Advocate for the Petitioners  
.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 09<sup>th</sup> MARCH, 2023**

**ORDER :**

1. After arguing extensively, when this Court is not inclined to interfere in the impugned orders as the trial Court has kept the matter for judgment tomorrow, i.e. on 10/03/2023, learned advocate for the petitioners seeks permission to withdraw the writ petition, with liberty to file application in the appeal for leading additional evidence and to invoke section 105 of the Code of Civil Procedure before the appellate Court, in case, the suit is decided against him.

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2. Permission granted.

3. The writ petition is disposed of as withdrawn with liberty as prayed for.

**[ NITIN B. SURYAWANSHI ]**  
**JUDGE**

S.P. RaneP