

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5161 OF 2022

Kaushalyabai Devidasrao Siraskar And Others Petitioners
Versus
Kailas Bhagvanrao Kokate And Others Respondents

Mr. M.P. Kale, Advocate for the petitioners.
Mr. A.U. Pawar, Advocate for respondent No. 1.
Mr. M.U. Shelke, Advocate for respondents No. 2 to 4.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JUNE, 2023

ORDER :

1. The petitioners have challenged the order passed by learned Civil Judge, Senior Division, Gangakhed, below Exhibit-6 in Special Civil Suit No. 24/2021.

2. Learned advocate for the respondent raises a preliminary objection as to the locus of the petitioners to challenge the said order. He submits that the petitioners are neither plaintiffs nor defendants in the suit, on the contrary their application filed under Order 1 Rule 10 seeking impleadment in the suit is pending before the Trial Court and they have challenged the order passed by the Trial Court, by which application filed by the plaintiff for appointment of court commissioner is allowed.

3. Having faced this situation, learned advocate for the petitioners on instructions seeks permission to withdraw the writ petition, with liberty to challenge the order impugned in the present petition, in case his application for impleadment is allowed.

4. Permission granted. Writ petition is disposed of as withdrawn with liberty as prayed for.

5. The Trial Court to decide impleadment application of the petitioner within two weeks from the date of receipt of writ of this order.

[NITIN B. SURYAWANSHI, J.]