

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

WRIT PETITION NO.25 OF 2023

**KASHINATH LOTAN CHAUDHARI
VERSUS**

**SAU. PUSHPABAI PUNDLIK CHAUDHARI DIED THROUGH LRS
PUNDLIK DAMU CHAUDHARI AND OTHERS**

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Advocate for Petitioner : Mr. B. L. Sagar Killarikar
Advocate for Respondent Nos.1 to 5 : Mr. Ajay K. Shinde
Advocate for Respondent No.6 : Mr. B.R. Waramaa

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21th AUGUST, 2023

PER COURT :

1. Petitioner is aggrieved by the order dated 22/08/2022, passed by learned Civil Judge, Junior Division, Pachora, below Exhibit-66 in Regular Civil Suit No.83/2013, thereby rejecting application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure.
2. Perusal of the application Exhibit-66 filed by petitioner reveals that the same is not properly drafted and it is filed with incorrect prayer. This aspect was brought to the notice of learned advocate for petitioner.
3. Faced with this situation, learned advocate for petitioner seeks permission to withdraw the petition with liberty to file appropriate application with correct prayer. Permission granted. Writ petition is dismissed as withdrawn with liberty as prayed for.

4. It is made clear that if appropriate application is made before the Trial Court, the same shall be considered on its own merit without being influenced by the order impugned in present petition.

(NITIN B. SURYAWANSHI, J.)