

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8327 OF 2022

Satyanarayan Bhavarlal Jakhotiya .. Petitioner
 Versus
 Kisan Constructions Pvt. Ltd. .. Respondent

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- Mr. Pradeep Salgar for Petitioner
 - Mr. Shrishail Sakhare for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 13, 2023.

P.C.:

1. On 10.01.2022 this Court has passed the following order :

"1. Heard Mr. Salgar, learned Advocate for Petitioner and Mr. Sakhare, learned Advocate for Respondent.

2. Perused the impugned order dated 24.01.2022 passed below Exh.135 in R.C.S. No.439 of 2013.

3. The Application was filed by the Respondent before the learned Trial Court seeking to lead evidence in respect of five documents.

4. Admittedly, all five documents are part of the pleadings between the parties. This position is not in dispute. The Application below Exh.30 came to be allowed with finding that document at Serial Nos.1 to 3 and 5 were exhibited but document at Serial No.4 was not exhibited.

5. Being aggrieved, Plaintiff (Respondent herein) filed the Application which was resisted by the Petitioner by filing his say vide Exh.136.

6. The admitted position is that documents at Serial Nos.4 and 5 are registered sale deeds which find mention in the pleadings. Learned Trial Court in paragraph No.11 of the impugned order dated 24.01.2022 has categorically returned the finding that the said document at Serial No.4 is found referred to in examination-in-chief in paragraph No.7 of P.W.No.1. Further P.W.No.1 is also one of the signatory to the said document. In

that view of matter, the impugned order has been passed.

7. Both the learned Advocates agree that there is a typographical mistake in paragraph No.12 of the impugned order in the last line and the words Serial No.3 should be read as Serial No.4. The said mistake is allowed to be corrected.

8. In view of the above observation and findings, Mr. Salgar seeks time to consider and inform the Court accordingly on the next date.

9. Stand over to 13th January, 2023 for orders.”

2. Today at the outset Mr. Salgar, learned Advocate appearing for the Petitioner fairly placed on record letter dated 12.01.2023 received from the Petitioner seeking withdrawal of the present Writ Petition, which is marked “X” for identification.

3. Writ Petition disposed of as withdrawn.

4. All contentions of the parties are kept open.

[MILIND N. JADHAV, J.]