

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2328 OF 2023

Dhondiba Sawala Dhanawade & Anr. ...Petitioners

Versus

The State of Maharashtra,
Through Revenue Minister & Ors. ...Respondents

WITH

WRIT PETITION NO.2523 OF 2023

Ramchandra Mahadeo Wadkar & Anr. ...Petitioners

Versus

The State of Maharashtra,
Through Revenue Minister & Ors. ...Respondents

Mr. R. M. Haridas a/w. Mr. Prasad P. Kulkarni for the Petitioners.

Ms. M. S. Bane, AGP for the Respondent (State).

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 12th JULY, 2023.

P.C.

1. We have heard Mr. Haridas, learned counsel for the Petitioners and Ms. Bane, the learned AGP for the Respondent (State) on these proceedings .

2. After the parties were heard for some time, Mr. Haridas, learned counsel for the Petitioners would submit that in the suits as filed by the Petitioners (Regular Civil Suit No.60 of 2022 and Regular Civil Suit No.63 of 2022),

Petitioner No.2/Plaintiff had made an application for deletion of prayer clause (b) so as to pursue the present proceedings. It is his submission that if the Court allows the Petitioners to withdraw the present petition, the Petitioners be permitted to restore prayer clause (b) and pursue the same.

3. We find no reason as to why the Petitioner No.2 ought not to be permitted to restore the said prayers, by moving an appropriate application for restoration of the said prayers and accordingly, in the peculiar facts of the case, the Court may permit restoration of the said prayer.

3. In our view, the suits are substantive suits in which there would be holistic consideration of all the issues including on the impugned orders as assailed in the present proceedings. Thus, permitting the course of action as requested by Mr. Haridas, we permit the Petitioners to withdraw the present petitions with liberty to assail all contentions in the pending suits.

4. Both the petitions are disposed of. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]