

24 January, 2023.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13754 OF 2022

Kisan Sakharam Pokharkar, thr. POA

Subhash Namdev Ghonge and Ors.

...Petitioners

V/s.

Shri. Maruti Nama Pokharkar (since decd.)

and Ors.

....Respondents

Mr. Abhijit B. Kadam, Advocate for the petitioners.

Ms. Manjiri Parasnis, Advocate for respondents no.2 and 3.

CORAM : SANDEEP V. MARNE, J.

TUESDAY, 24 JANUARY, 2023.

P.C. :

1. Mr. Kadam, learned Counsel for the petitioners submits that, prayer made in the application filed under the provisions of Order XXII Rule 4(4) of the Code of Civil Procedure, was defective.

2. Instead of seeking prayer for pronouncement of the judgment against deceased-defendant no.1, the plaintiff erroneously sought a prayer for deletion of name of defendant

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no.1. He seeks leave to withdraw the present petition. Leave granted. Petition is dismissed as withdrawn with liberty to file an application to seek relief for pronouncement of judgment against defendant no.1 under the provisions of Order XXII of the Code.

3. If such an application is filed, the same shall be decided strictly on its own merits by the trial Court.

**NEETA
SHAILESH
SAWANT**

(SANDEEP V. MARNE, J.)

Digitally signed by
NEETA SHAILESH
SAWANT

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