

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8876 OF 2021

Kashinath Govind Jadhav

..... Petitioner

VERSUS

**The Sub-Divisional Officer &
Competent Authority, & Ors.**

..... Respondents

Mr.Raju D.Suryawanshi for the Petitioner.

Mr.V.S.Gokhale, 'B' Panel Counsel for the State.

Mr.Rupesh Geete, a/w. Mr.Darshan Sahuji, i/b. Satyaki Law Associates
for the Respondent nos.2A to 2D.

Mr.Nilesh Kashinath Jadhav, son of the Petitioner is present in Court.

**CORAM: R. D. DHANUKA AND
M.M. SATHAYE, JJ.**

DATE : 24TH JANUARY, 2023

P.C:-

After arguing the matter for sometime, Mr. Suryawanshi, learned counsel for the Petitioner, on instruction from the son of the Petitioner, who is present in Court who has instruction to give such instruction, seeks liberty to withdraw this writ petition with liberty to pursue the pending suit for partition and to apply for interim relief in the said suit against the Defendants therein for mandatory order and

injunction to deposit the amount of compensation disbursed in their favour by the competent authority.

2. If any such application is made by the Petitioner for interim relief, the same shall be considered by the Civil Court in the said partition suit on its own merits after hearing both the parties.

3. It is made clear that the Trial Court shall decide the said partition suit on its own merits and without being influenced by the observations made by the competent authority in the impugned order.

4. Writ petition is dismissed as withdrawn with aforesaid directions. No order as to costs.

5. The parties as well as the Civil Court to act on the authenticated copy of this order.

[M. M. SATHAYE, J.]

[R. D. DHANUKA, J.]