

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8423 OF 2022

Salim Hasansab Indamdar

.. Petitioner

Versus

Salim Nabiso Sayyed

.. Respondent

-
- Mr. Shrishail Sakhare, Advocate for Petitioner.
 - Mr. Ashok B. Tajane a/w. Ms. Kavita Shinde, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 17, 2023.

P.C.:

1. Heard Mr. Sakhare, learned Advocate appearing for Petitioner and Mr. Tajane, learned Advocate appearing for Respondent for some time.

2. On 02.01.2023, this Court had passed the following order:-

“1. Heard Mr. Sakhare, learned Advocate appearing for Petitioner and Mr. Tajane, learned Advocate appearing for Respondent for some time.

2. Perused the impugned order below Exhibit-28 in Regular Civil Appeal No.249 of 2015 and more specifically the findings returned in paragraph No.12 of the said order. Also perused the Application for amendment preferred by the Petitioner. After going through the above pleadings it is clear that admittedly Petitioner has not filed any Appeal against the decree which is in favour of the Petitioner in order to bring on record the additional material, inter alia, pertaining to entitlement to the suit property. Instead the Application for amendment of Plaint is taken out in the Appeal filed by Respondent.

3. Stand over to 09th January, 2023 to enable Mr. Sakhare to take appropriate instructions and submit to the Court.”

3. Today, Mr. Sakhare submitted that the Petitioner shall approach the learned Appellate Court by filing a substantive Appeal, if the Petitioner is so aggrieved and take out appropriate proceedings as desired by the Petitioner in accordance with law.
4. He submitted that Petitioner seeks leave to withdraw the present Writ Petition with the above leave. Leave granted.
5. All contentions of the parties are expressly kept open.
6. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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