

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10130 OF 2019

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Date: 2024.12.11
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Vasantrao Namdev Jadhav

... Petitioner

V/s.

Bapu Ramchandra Suryavanshi

... Respondent

Ms. Tanvi G. Tapkire for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 11, 2024

P.C.:

1. The Trial Court by the impugned order has permitted respondent to withdraw the suit with liberty to file fresh proceedings in exercise of power under 23 Rule 1(4) of the Code of Civil Procedure, 1908. The formal defect pleaded by the respondent is description of the property.
2. According to the petitioner, details of formal defect have not been provided in the application and notice was also not issued to the petitioner.
3. On perusal of the plaint in the subsequent suit, it appears that in the subsequent suit the respondent has provided detail description of the subject-matter of the suit.
4. Considering the fact that the respondent alleged formal defect in the suit in the nature of description of the property and

satisfaction recorded by the Trial Court, no interference in the impugned order is called for.

5. The writ petition accordingly stands dismissed. No costs.

(AMIT BORKAR, J.)