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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7473 OF 2024

Uddhav Hariba Kamble (Since Deceased
Through His Legal heirs) and Ors. .. Petitioners

Versus

Bharti Shankar Gangawane .. Respondent

-
- Ms. Apoorva L. Thakre a/w. Mr. Vikrant V. Parashurami, Advocates
for Petitioners.

.....
CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2024.

P.C.:

- 1.** Heard Ms. Thakre, learned Advocate for Petitioners.
- 2.** After hearing the learned Advocate for the Petitioners at length and perusing the impugned order dated 08.01.2024 I expressed my mind to the learned Advocate that Application filed below Exhibit “99” appended at page No.24 of the Writ Petition is purely explanatory and does not claim any relief to the said explanation offered by the Plaintiff by way of amendment Application. Such explanation is in the nature of improvement of pleadings and cannot be permitted.
- 3.** The learned Advocate after taking instructions would submit that Plaintiffs/Writ Petitioners be permitted to withdraw the present Writ Petition while keeping all their contentions expressly open. Application made by Ms. Thakre is fair. Petitioners are allowed to withdraw the present Writ Petition.

4. It is clarified that all contentions of the Plaintiffs/Petitioners in respect of the principal reliefs are expressly kept open and the Petitioners shall be at liberty to refer to and rely upon all incidents, dates and events in respect of the principal reliefs prayed for by the Plaintiffs in the Suit plaint. The learned Trial Court shall not be influenced by any of the observations stated in the order dated 08.01.2024 while determining the Suit and the Suit shall be determined on the basis of the evidence led by the parties strictly in accordance with law.

5. With the above directions, Writ Petition is disposed as withdrawn.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK
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