



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 5142 OF 2024

Sheknath Mahadu Holkar And Others

VERSUS

Prabhakar Mahadu Holkar And Others

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Mr. Akshay S. Tilve, Advocate for the Petitioner

Smt. K. B. Patil-Bharaswadkar, Addl. G. P. for Respondent/State.

Mr. S. v. Dixit a/w. Mr. M. D. Deshpande h/f. Mr. Sujit S. Kulkarni,
Advocate for Respondent No.1 & 2.

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CORAM : ROHIT W. JOSHI, J.

DATED : 3rd JULY 2025

PER COURT :-

1. The petitioner contends that after the impugned orders are delivered some new developments have taken place which have material bearing in the matter.
2. He therefore seeks permission to withdraw the petition with liberty to move appropriate application under Order XXXIX Rule 4 of Code of Civil Procedure, 1908.
3. The learned Counsel however expresses an apprehension that the observation of the learned Appellate Court will influence the outcome of the proposed application to be filed before the learned Trial Court.
4. Application under Order XXXIX Rule 4 of Code of Civil Procedure, 1908 can be filed in a case where there is a change in circumstances or in case the Court is satisfied that the order causes

undue hardship to the applicant. If the plaintiff is in position to satisfy that the application is filed on account of change in circumstances which did not exist while the appeal is decided, the learned Trial Court shall consider the same in accordance with law, particularly having regard to the mandate of Order XXXIX Rule 4 of Code of Civil Procedure, 1908.

5. The Writ Petition is disposed of as withdrawn with liberty to file application under Order XXXIX Rule 4 of CPC, which if filed may be decided in accordance with law.

[ROHIT W. JOSHI, J.]