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

WRIT PETITION NO. 12752 OF 2022

Suresh Arjun Koli and Anr.

... Petitioners

V/s.

Eknath Namdev More

... Respondent

Mr. Prasad P. Kulkarni with Mr. Nakul Shukla and Amol Kanaki for the
Petitioners

Mr. Milind R. Deshpande for Respondent

CORAM : ALOK ARADHE, CJ.

DATE : 08 JULY 2025

P.C. :

1. In this Petition under Article 227 of the Constitution of India the Petitioners have assailed the validity of the order dated 11.10.2019, passed by the learned District Judge, Solapur, by which an application preferred by the Petitioner under Order 26 Rule 9 of the Civil Procedure Code has been rejected.

2. The learned Counsel for the Petitioners, after arguing the matter to some extent seeks leave of this Court to withdraw the Petition with the liberty to file an application under Order 49 Rule 27 of the Code of PC in the appeal which is pending against the judgment and decree passed by the Trial Court.

3. The Writ Petition is dismissed as withdrawn in terms of the liberty as prayed for.

(CHIEF JUSTICE)