

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

WRIT PETITION NO. 13229 OF 2025

Khandoba Martanddev through Devotees,
Vijay Damu Kalbhore

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

SANTOSH
SUBHASH
KULKARNI

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Mr. Ajay Bhise, for the Petitioner.

Mr. Tejas Dhotre, for Respondent Nos.20 to 22.

Mr. P. V. Neson Rajan, AGP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 14th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioner.
2. The petitioner is aggrieved by the trial Court's approach in not passing an order on the withdrawal pursis (page 20) filed by the petitioner – plaintiff, thereby seeking leave to withdraw the suit unconditionally.
3. It is submitted that the learned Judge has issued notice to the defendants and third parties. Defendant Nos.4 to 6, 9 and 11 and defendant Nos.14A to 16 have given their no objection for unconditional withdrawal of the suit. Yet, the matter came to be adjourned to 16th September, 2025 and, thereafter, it has again been adjourned to 1st November, 2025.

4. As the plaintiff seeks leave to withdraw the suit unconditionally, strictly permission of the Court is not warranted, except for the purpose of costs which may be awarded to the defendants. In the case at hand, it seems that some of the defendants have given no objection. In these circumstances, the learned Civil Judge is expected to pass an order on the pursis for withdrawal of the suit unconditionally on 1st November, 2025 without insisting for, or considering the reply, which might be filed by the third parties.

5. The learned Civil Judge is, therefore, requested to pass the order on 1st November, 2025 without fail.

6. The petition stands disposed.

[N. J. JAMADAR, J.]