

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17197 OF 2025

Gangadhar Krushna Mhatre through POA holder ..Petitioner
Nishikant Mhatre

Versus

Dayaram Damodar Patil ...Respondents

Mr. Manoj G Sawardekar, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 23rd DECEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. The Petitioner has filed an Application for withdrawal of the suit with liberty to file a fresh suit on the same cause of action.
3. By the impugned order, the learned Civil Judge has rejected the Application observing, *inter alia*, that the Application was vague and did not disclose formal defect or other cause of a like nature, which would entail the dismissal of the Suit and, thus, warrant the withdrawal of the Suit with liberty to file a fresh suit.
4. The Application is indeed vague and singularly lacks the particulars which would justify an inference that the suit would fail on account of a formal defect or other cause of a like nature.

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5. When this Court expressed its disinclination to entertain the Petition, in view of the nature of the Application, the learned Counsel for the Petitioner submitted that the Petitioner may be granted liberty to file a fresh Application for withdrawal of the suit with liberty to institute a fresh suit on the same cause of action, with necessary particulars.

Leave granted with liberty as prayed for.

6. If the Petitioner files such application the learned Civil Judge is requested to decide the same on its own merits and in accordance with law.

7. Petition disposed.

[N. J. JAMADAR, J.]