



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO. 666 OF 2026

VISHAL GANGADHAR MORE PATIL AND ANOTHER
VERSUS
GEETA GANGADHAR MORE PATIL AND OTHERS

...

Mr. V. D. Gunale, Advocate for the Petitioners
Mr. S. R. Yadav-Lonikar, AGP for Respondent/State
Mr. V. D. Salunke, Advocate for Respondent No.1

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 21st JANUARY, 2026

P C. :-

1. Present Writ Petition takes exception to order dated 12.12.2025 passed by learned 3rd Civil Judge Senior Division, Ambajogai below Exhibit 96 in Misc. Civil Application No. 98 of 2014, whereby Petitioners' application for withdrawal of proceeding is rejected.

2. Mr. Gunale, learned Advocate appearing for Petitioners submits that, Petitioners were intended to withdraw Misc. Civil Application No. 98 of 2014 as cause of action for continuing proceeding seeking grant of heirship certificate, does not survive due to supervening events. However, in Application seeking withdrawal of Misc. Civil Application, only reason was employed that suit for partition and separate possession has been filed. He

further submits that Petitioners may be permitted to file fresh Application before Trial Court seeking permission to withdraw Misc. Civil Application on the ground that cause of action does not survive to proceed with application.

3. With this submission, Mr. Gunale seeks permission to withdraw Writ Petition. Writ Petition stands disposed of as withdrawn with liberty in favour of Petitioner to file an independent Application before Trial Court seeking disposal of Misc. Civil Application on ground that cause of action does not survive. Liberty as prayed is granted. If such an application is filed, Trial Court may decide it on its own merits.

(S. G. CHAPALGAONKAR, J.)

ssp