



Civil Misc. Application No. 11/2014
Prakash Dodake and another
Vs. Santosh Dodake and others.

Order below Exh. 42

1. This application is filed by petitioners for permission to withdraw this case with liberty to file a fresh case.
2. The Ld. Advocate of respondent Nos.1 and 2 and Ld. Advocate of Nos.3 and 4 filed their say on the application and given no objection to allow present application.
3. Perused the application and say filed on it. I have gone through the record and proceeding.
4. At the outset, it is required to mention that this application is pending since 2014. It was kept for dismissal order several times. However, the Ld. Advocates of both the sides submitted before the court several time that they will withdraw the matter. However, on every date, they used to change their stand. When petitioner failed to adduce evidence, matter was kept for DID order. Thereafter petitioners submitted that they do not want to adduce evidence and respondent will adduce the evidence. So case was fixed for respondent's evidence. However, respondents failed to adduce evidence. In shot there appears to be collusion between parties. Whenever matter is kept for dismissal order, the petitioner and respondents prolonged it either on the

ground that they will withdraw or another grounds. However, since last more than one year inspite of such submissions they have not withdrawn, nor proceeded with the case. In such circumstances this application cannot be allowed. This shows that inspite of sufficient opportunities, the petitioners have prolonged the matter and misused the process of the court.

5. Moreover, the person who signed this application does not appear before the court.

6. In view of above, this application deserves to be rejected with costs. Accordingly, I proceed to pass following order:-

ORDER

1. Application is rejected with costs.

Place : Nashik.

Date : 21/07/2026.

(K. H. Patil)

Jt. Civil Judge (S.D.), Nashik.