

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8614 OF 2013

Shivaji Dhondi Powar through POA
Narayan Pandurang Taware ... Petitioner
Vs.
Suryakant Pandurang Badave and others ... Respondents

Mr. N. J. Patil for Petitioner.
Mr. Chetan Patil for Respondent No.1.
Mr. P. D. Dalvi for Respondent No.3.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 04, 2015

P.C. :

Heard Mr. N. J. Patil, learned Counsel for petitioner, Mr. Chetan Patil, learned Counsel for respondent No1 and Mr. Dalvi, learned Counsel for respondent No.3.

2. Mr. N. J. Patil has tendered communication dated 31.10.2015 addressed to him by the Power of Attorney Holder of petitioner instructing him to withdraw this Petition. The same is taken on record and marked 'X' for identification. He submits that petitioner has instituted Suit for specific performance in the year 2010. Mr. N. J. Patil, on the basis of the instructions given by the instructing Advocate, states that presently the trial Court is taking Suits filed in the year 2010, 2011 and 2012. In the present Suit, issues have already been framed and the petitioner has filed examination-in-chief and is facing cross-examination. He, therefore, submitted that the trial Court may be directed to dispose of the Suit in a time bound manner. He further seeks permission to withdraw the Petition as per the communication dated 31.10.2015.

3. In view thereof, on the motion made by Mr. N. J. Patil, Petition is allowed to be withdrawn and is disposed of as such. If the petitioner takes out application for deciding the Suit in a time bound manner, the learned trial Judge will pass appropriate order keeping in mind that presently trial Court is taking the Suits filed in the year 2010, 2011 and 2012. Order accordingly.

(R. G. KETKAR, J.)

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