

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

CIVIL REVISION APPLICATION NO.46 OF 2015

Wakad Realty Private Limited Petitioner
versus
Nakul Gangadhar Bhavsar & ors. Respondents.

Mr. S S Patwardhan for the Petitioner.
Mr. S S Hardikar for the Respondent No.1.
None for the Respondent No.1A though served.

CORAM : R. M. SAVANT, J.
DATE : 08th October 2015

P.C.

1 The above Civil Revision Application takes exception to the order dated 31/12/2014 passed by the learned Civil Judge, Junior Division, Pimpri, by which order the Application (Exhibit 74) filed by the Petitioner herein i.e. the original Defendant No.6 under Order VII Rule 11(d)(a) of the Code of Civil Procedure came to be rejected.

2 In view of the order passed today i.e. 08th October 2015 in the companion Writ Petition No.789 of 2015 wherein the Application (Exhibit 110) has been remanded back to the Trial Court for a de-novo consideration and since the decision that would be rendered in the Application (Exhibit 110) would have bearing on the adjudication of the Application (Exhibit 74), the learned counsel appearing for the Petitioner i.e. the original Defendant No.6

Shri S S Patwardhan, on instructions, seeks withdrawal of the said Application (Exhibit 74) with liberty to file a fresh application contingent upon the decision that would be rendered in the Application (Exhibit 110). The learned counsel appearing for the Respondent No.1 i.e. the original Plaintiff Shri S S Hardikar has no objection to the said course of action being followed. The Application (Exhibit 74) is accordingly allowed to be withdrawn. In view of the withdrawal of the Application (Exhibit 74), the impugned order dated 31/12/2014 need not be considered on merits. The same is accordingly to stand quashed and set aside. The Petitioner/Defendant No.6 would be at liberty to file a fresh application after the decision is rendered in the Application (Exhibit 110) by the Trial Court. In the event a fresh application is filed by the Petitioner/original Defendant No.6, needless to state that the same would be considered on its own merits and in accordance with law. With the aforesaid directions, the above Civil Revision Application is disposed of.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed order.