

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8159 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Narendra Dube i/b MKS Legal Associates, Advocate for Petitioner.
Mr. Paras N Vira, Advocate for Respondent.

CORAM: R.G.KETKAR, J.
DATE : 08/12/2015

PC:

1. Not on Board. At the request of Mr.Dube, taken up in production board. Heard Mr.Narendra Dube, learned counsel for the petitioner and Mr Paras Vira, learned counsel for the respondent.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged order dated 12.2.2015 passed by the learned Jt. Civil Judge, Jr Dn, Thane below Exhibits 10 and 11 in Regular Darkhast No.91 of 2013. By that order, the learned trial Judge rejected the application-Exh.11 made by the

petitioner for dismissal of Regular Darkhast and kept Application Exh.10 filed by decree holder under Order XXI, Rule 32 and 48 of C.P.C. for attaching salary of the petitioner as he is an employee of B.E.S.T Undertaking. The learned trial Judge kept application Exh.10 for orders till the decree holder files salary slip of judgment debtor no.1 for attachment of his salary for fulfillment of monthly rent amount and monthly expenses of the family of the parties, as mentioned in terms of settlement.

3. Mr Veera has tendered certified copy of the order dated 2.11.2015. By that order executing court has ordered attachment of salary of Rs.8000/- per month of the petitioner for 24 months. He, therefore, submitted that challenge to the impugned order dated 12.2.2015 is rendered infructuous.

4. Mr. Dube states that he was aware of order dated 2.11.2015. He seeks

permission to withdraw this petition with liberty to challenge impugned order dated 12.2.2015 as also order dated 2.11.2015.

5. On the motion made by Mr Dubey, petition is allowed to be withdrawn with liberty as prayed. It is made clear that I have not examined merits of the case.

(R.G.KETKAR,J.)