

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1631 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. Dushyant Pagare, Advocate for Petitioner.

Mr. Pratap Patil, Advocate for Respondent.

**CORAM: R.G.KETKAR, J.
DATE : 10/08/2015**

PC:

1. Not on Board. At the request of Mr. Patil,, taken up in production board. Heard Mr. Dushyant Pagare, learned counsel for the petitioner and Mr. Pratap Patil, learned counsel for the respondents.

2. Mr. Pagare has tendered copy of communication dated 8.8.2015 addressed on behalf of the petitioner to Mr. Rajesh Datar. Same is taken on record and marked "X" for identification. Mr. Pagare seeks permission to withdraw this Petition. Petition is allowed to be

withdrawn.

3. Mr Patil submitted that application Exhibit-5 was filed by the respondent-plaintiff on 29.10.2013. By order dated 21.2.2014, learned trial Judge directed the defendants to maintain status-quo in respect of the suit property till final hearing and disposal of Exhibit-5. Aggrieved by that order, the petitioner-defendant no.2 preferred Misc. Civil Appeal No. 36 of 2014. By order dated 9.5.2014, the learned District Judge allowed the appeal and set aside ad-interim order dated 21.2.2014. He submitted that thereafter the petitioner filed application under section 24 for transfer of the proceedings. Because of pendency of the transfer application, the learned trial Judge did not proceed with Exhibit-5. By the impugned order dated 11.12.2014, learned Principal District Judge rejected the application for transfer and directed the learned trial Judge to decide application-Exhibit-5

after considering the material on record and after hearing both sides uninfluenced by the observations made in the order below Exhibit-29 and on its own merits. He submitted that the said application is still pending and the petitioner herein is carrying out the development.

4. In view thereof, notwithstanding withdrawal of the petition, learned trial Judge is requested to decide application Exh.5 within three months from the date of production of authenticated copy of this order in the light of observations made by the learned District Judge in the order dated 11.12.2014. Order accordingly.

(R.G.KETKAR,J.)