

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3174/2014

Sharad Kumar s/o Maniramji Jaiswal

..Versus..

Anil Kumar s/o Shankardayal Jaiswal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

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CORAM : Z.A. HAQ, J.

DATE : 20.3.2015

Shri S.S. Khandekar, the learned advocate for the petitioner, on instructions, seeks permission to withdraw the application (Exh.109) on which the impugned order is passed with liberty to file fresh application. In support of his submission the learned advocate has relied on the judgment given by the Hon'ble Supreme Court in the case of *State of Rajasthan and others V/s. Khemraj and others* reported at **AIR 2000 SC 1759**.

Considering the facts of the case, the prayer as made on behalf of the petitioner is granted. The application (Exh. No.109) which was filed by the petitioner is permitted to be withdrawn with liberty to file fresh application, if so advised. The respondent will be at liberty to oppose the application and the learned trial Judge shall decide the application according to law. The writ petition is disposed of in the above terms. No costs.

JUDGE