

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

WRIT PETITION NO.6138/2014

Juzar Hussain s/o Ibrahim Bhai Gondiwala

..Versus..

Shri Harichandra S/o Kanuji Sakhare and another

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

Court's or Judge's orders

Ms. Shalini T. Godbole, Advocate for respondent no.1.

CORAM : Z.A. HAQ, J.

DATE : 28.10.2015

Shri P.S. Sadavarte, learned advocate for the petitioner, on instructions, seeks permission to withdraw the application (Exh. No.39) which was filed by the petitioner under Order 7 Rule 11 read with Order 7 Rule 10 of the Code of Civil Procedure. It is submitted that the petitioner seeks permission to withdraw the application (Exh. No.39) as the application was made invoking the jurisdiction of the trial Court under wrong provisions.

The learned advocate for the respondent no.1 has no objection for withdrawal of the application.

The petitioner is permitted to withdraw the application (Exh. No.39). As the application (Exh. No.39) is withdrawn by the petitioner, the impugned order passed by the trial Court on the

application (Exh. No.39) does not survive and loses its efficacy.

The learned advocate for petitioner seeks liberty to file appropriate application raising the challenges as were raised in the application (Exh. No.39). The learned advocate for the respondent no.1 opposes for grant of liberty.

If the petitioner files an application as suggested by the learned advocate for the petitioner, the learned trial Judge shall deal with it according to law.

The petition is disposed of as withdrawn. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.