

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 WRIT PETITION NO. 8652 OF 2015

GRAMPANCHAYAT SHINGNAPUR THROUGH SARPANCH SHIVAJI
YESHWANT SHETE
VERSUS
DAGADU KISHAN SHETE AND OTHERS

...

Advocate for Petitioner : Mr. Pathan Zafar M.
Advocate for Respondents 1 to 3 : Mr. V. D. Sapkal

CORAM : V. K. JADHAV, J.

DATE : 3rd March, 2016

PER COURT :

1. Heard.
2. The petitioner /original plaintiff instituted the suit bearing R.C.S. No. 142/2012 (old R.C.S. No.50/2000) for declaration, possession and perpetual injunction. In response to the suit summons, respondent Nos. 1 to 3/original defendants appeared in the suit and before filing of written statement, filed application at Exh.15 under the provisions of Order 7 Rule 11 of the Civil Procedure Code for rejection of the plaint, which is still pending. The respondents/defendants, thereafter, filed an application at Exh. 40 under Section 9-A of the Civil procedure Code. The learned Judge of the trial court has partly allowed the said application Exh.40 and framed preliminary issues. Hence this writ petition.

3. The learned counsel for the respondents/original defendants, on instructions, submits that the defendants are not going to press application Exh.40 and in view of that, the learned counsel submits that the writ petition may be allowed.

4. In view of the above statement, following order is passed:

O R D E R

- i. Application Exh. 40 filed by the respondents/original defendants in R.C.S. No.142/2012 is hereby disposed of as not pressed.
- ii. Writ petition is accordingly disposed of with no order as to costs.

(V. K. JADHAV, J.)

JPC