

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7341 OF 2014

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.A.B.Tajane i/b Mr.A.R.Rayani for the petitioner

Mr.R.S.Alange for the respondent

CORAM : K. K. TATED, J.
DATE : APRIL 12, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition, under Article 227 of the Constitution of India, petitioner original defendant challenges the order dated 25.6.2014 passed by 2nd Joint Civil Judge, Junior Division, Solapur below Exhibit-12 in Regular Civil Suit No.656 of 2012 holding that Civil Court has jurisdiction to entertain the said suit.

3 The learned counsel for the respondent plaintiff submits that he received instruction from his client to withdraw the Regular Civil Suit No.656 of 2012 itself with liberty to file appropriate proceeding / fresh suit for same cause of action. To that effect, he has given in writing on

farad. Same is taken on record and marked 'X' for identification. Same is allowed.

4 The learned counsel for the respondent undertakes to make appropriate application before the Trial Court for withdrawal of the suit within two weeks from today. The learned counsel for the respondent undertakes to do so within stipulated time. Same is accepted.

5 In view of withdrawal of the suit itself, nothing survives in the present Writ Petition. Hence, Writ Petition is dismissed as infructuous. No order as to costs.

6 It is made clear that all contentions of both the parties are kept open.

JUDGE