

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11122 OF 2015**

1. Shri Sopan Bapuso Dange ..Petitioner

Vs

1. The Manager, Zilla Udyog
Kendra Udhoy Bhavan, Sangle .. Respondents
and Ors.

Mr. Abhijit M. Adagule, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.
DATE : 01/02/2016

PC:

1. Heard Mr.Abhijit Adagule, learned counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as 'plaintiff', has challenged order dated 25.8.2015 passed by the learned Civil Judge, Jr. Dn., Islampur below Exh.64 in Regular Civil Suit No.214 of 2012. By that order, the learned trial Judge rejected the application made by the petitioner seeking direction against witness no.2 to produce the document mentioned in the application as also for setting aside no evidence order.

3. Mr. Adagule submitted that earlier the plaintiff had instituted Writ Petition (ST) No. 25954 of 2014 in this Court challenging the order passed by the learned trial Judge rejecting the application made by the plaintiff for issuing witness

summons. By order dated 6.2.2015, this Court (Coram: R.M.Savant,J.) rejected the petition and permitted the plaintiff to file appropriate application under the Right to Information Act, 2005 (for short, 'Act') and if the documents sought for are not made available by the Bank for some reasons or other, further liberty was granted to the plaintiff to file appropriate application. In pursuance thereof, the plaintiff filed application Exhibit-64 which is rejected by the impugned order.

4. Mr. Adagule submitted that in pursuance of the liberty granted by this Court, the plaintiff made application to respondent no.3-M.D.Pawar Peoples Co-operative Bank Ltd. By communicated dated 9.3.2015, respondent no.3 informed the plaintiff that it is not governed by the provisions of the Act. In other words, he submitted that though liberty was granted to the plaintiff as per paragraph 2 of the order dated 6.2.2015, he is unable to get information under the Act as the said Act does not apply to Co-operative Banks. He, therefore, seeks permission to withdraw this petition with liberty to file Review Petition in this Court seeking review of the order dated 6.2.2015 passed in Writ Petition (ST) No.25954 of 2014.

5. On the motion made by Mr. Adagule, Petition is allowed to be withdrawn with liberty as prayed. It is expressly made clear that I have not examined merits of the proposed proceedings.

6. Mr. Adagule submits that for a period of two weeks from today, proceedings in R.C.S.No.214 of 2012 may be stayed so as to enable him to take out Review Petition. In view thereof, notwithstanding withdrawal of the petition, proceedings in Regular Civil Suit No.214 of 2012 shall remain stayed for a period of two weeks from today. Order accordingly.

(R.G.KETKAR, J.)