

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 733 OF 2015

ATUL VIJAYKANT MOOG
AND ANR

...Applicants

Versus

SACHHIDANAND TUKARAM PATIL
AND ORS

...Respondents

....

Mr. Chetan G. Patil, Advocate for the Applicants.

Mr. Faizkhan F. Pathan, Advocate for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 15th MARCH, 2016

P.C.

1. Heard Mr. Chetan Patil, learned Counsel for the applicants and Mr. Faizkhan Pathan, learned Counsel for respondent No.1, at length.

2. By this application under section 115 of the Code of Civil Procedure, 1908 (for short, 'CPC'), the applicants have challenged the judgment and order dated 7.10.2015 passed by learned 5th Joint Civil Judge, Junior Division, Kolhapur below Exh.19 in R.C.S. No.1040/2014. By that order, the learned trial Judge rejected the application made by the applicants,

hereinafter referred to as 'defendant Nos.3 & 4' under Order VII Rule 11(d) CPC for rejecting the plaint on the ground that the suit instituted by the first respondent, hereinafter referred to as the 'plaintiff', against respondent No.2 Kolhapur Municipal Corporation is not maintainable for want of notice under Section 487 of the Maharashtra Municipal Corporation Act, (for short, 'Act').

3. After arguing the application for quite sometime, Mr.Patil upon taking instructions from applicant No.1 Atul Vijaykant Moog seeks permission to withdraw the application. On the motion made by Mr.Patil, Civil Revision Application is allowed to be withdrawn and is dismissed as withdrawn. Liberty is reserved with the parties to apply for expeditious disposal of the suit. If such an application is made, the learned trial Judge will pass appropriate order. Order accordingly.

(R. G. KETKAR, J.)