

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.534 OF 2016

Kailashchandra Gangadhar Singh	Petitioner
versus	
Hasmukh Bachubhai Prasana	Respondents

Ms.Pinky Bhansali for Petitioner.
Mr.Raj Patel i/by Moran Patel for Respondents.

CORAM : M.S.SONAK, J.

DATE : 14 January 2016

PC :

1. Not on board. Production of papers is permitted at 4.30 p.m.
2. Rule. Learned counsel for the Respondent waives service. By consent, the Rule is made returnable forthwith. The writ petition is taken up for hearing and final disposal, by consent and on the request of learned counsel.
3. The Respondent vide Application at Exhibit-46 had applied for permission to lead secondary evidence. Thereafter, however, the Respondent filed Application at Exhibit-49 for withdrawal of Application at Exhibit-46. By the impugned order, the Application at Exhibit-49 has been dismissed and the

Application at Exhibit-46 has been allowed. Since the Respondent had applied for withdrawal of the Application at Exhibit-46, the learned counsel for the Respondent makes it clear that the Respondent has no objection, if the Respondent's Application at Exhibit-49 is allowed and the order made on Exhibit-46 is set aside. Accordingly, the impugned orders are set aside and the Rule is made absolute. There shall be no order as to costs.

4. All concerned to act on an ordinary copy of this order duly authenticated by registry of this Court.

(M.S.SONAK, J.)

MST