

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

WRIT PETITION NO.6234 OF 2015

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.R.M.Yamgar for the petitioner

Mr.Tushar N. Sonawane for the respondent no.1

CORAM : K. K. TATED, J.

DATE : JUNE 28, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 Advocate for the petitioner submits that he received instruction from his client to withdraw the present Writ Petition. To that effect, petitioner has given in writing for withdrawal of petition. Same is taken on record and marked 'X' for identification. He further submits that application filed by the respondent plaintiff for injunction under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908 being Exhibit-5 is pending for hearing and final disposal. He submits that Trial Court to decide said application below Exhibit-5 on its own merits without influencing the order passed by Trial Court dated 13.4.2015.

3 Advocate for the respondent plaintiff submits that during the pendency of the present Writ Petition they applied to MSEDCL for electric connection. Same was granted subject to the outcome of the present Writ Petition. He submits that electricity granted by MSEDCL be continued till the hearing of Regular Civil Suit No.935 of 2014.

4 Considering the submissions made by the learned counsel for the petitioner, following order is passed:

- a) Writ Petition stands dismissed as withdrawn.
- b) Trial Court is directed to decide Exhibit-5 application filed by respondent plaintiff in Regular Civil Suit No.935 of 2015 on its own merits without influencing the order dated 13.4.2015 below Exhibit-11.
- c) Electricity supplied to the suit premises in favour of respondent plaintiff during the pendency of the present Writ Petition to continue till hearing and final disposal of Regular Civil Suit No.935 of 2014 on payment of bills if any, received by them.

JUDGE