

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7686 OF 2013**

Laxmam Kondiba Shete and Anr.

..Petitioners

Vs

Vasant Genubhau Shete and
Ors.

.. Respondents

Mrs. Manjiri S. Parasnis, Advocate for Petitioners.

Mr.Ketan Joshi i/b Mr S.A.Sawant, Advocate for Respondents
No.1,2 and 14.

CORAM : R.G.KETKAR,J.

DATE : 15/01/2016

PC:

1. Heard Ms. Manjiri Parasnis, learned counsel for the petitioners and Mr. Ketan Joshi, learned counsel for respondents no.1, 2 and 14 at length.

2. Ms. Parasnis seeks permission to withdraw this petition on the ground that main suit bearing Regular Civil Suit No.1651 of 2006 itself was disposed of for non-compliance of payment of deficit court fees. She submits that the defendants filed application under Order VII. Rule 11(b) for rejection of plaint on the ground of payment of deficit court fees. By order dated 9.7.2013, the learned trial Judge allowed the application and directed the plaintiffs to value the amended prayer and pay deficit court fee on or before 30.7.2013, pending which Plaint will be rejected.

3. Aggrieved by that decision, the plaintiffs preferred revision in this Court. Rule was issued on 4.10.2013. However, interim relief was not granted, with the result the order impugned in the present petition took effect and the plaint stood rejected. Against that, she preferred appeal and the same is pending. She, therefore, submits that all contentions raised in the petition may be kept open.

4. In view thereof, on the made by Ms. Parasnis, Petition is allowed to be withdrawn and is disposed of as withdrawn. All contentions raised by the parties in this Petition are expressly kept open. Rule is discharged with no order as to costs. Order accordingly.

(R.G.KETKAR, J.)