

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8386 OF 2014**

Shri Sanjay Kashinath Kale

..Petitioner

Vs

M/s. Saj Enterprises

.. Respondent

Mr. Mahesh H. Chandanshiv, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.

DATE : 08/01/2016

PC:

1. Heard Mr. Mahesh Chandanshiv, learned counsel for the petitioner at length.
2. By this Petition under Article 227 of the Constitution of India, original defendant has challenged the Judgment and order dated 30.4.2014 passed by the learned 4th Jt. Civil Judge, Sr. Dn., Pune below Exhibit-20 in Misc. Application No.1052 of 2013. By that order, the learned trial Judge rejected the application made by the petitioner for staying Execution Petition No. 1 of 2013 which is filed for execution of decree dated 15.9.2010 passed in Spl. Civil Suit No.2004 of 2010.
3. Mr.Chandanshiv submitted that respondent-decree holder had instituted suit in the Court of Civil Judge, Senior division, Pune. The suit was decreed exparte. He filed Darkhast in the Court of Civil Judge, Sr.Dn., Beed. The petitioner has instituted Writ Petition No.3675 of 2015 challenging warrant of arrest issued

against him and the said petition is pending.

4. By order dated 1.4.2015 while issuing notice to the respondent in that petition, this Court directed the petitioner to deposit the decretal amount in the the High Court in installments as under:

- (i) A sum of Rs.5,00,000/- on or before 20th April, 2015.
- (ii) Further sum of Rs. 10,00,000/- within a period of one month thereafter and rest of the amount would be deposited by 20th July, 2015.

By subsequent order dated 29.5.2015, this Court extended period for depositing Rs.10,00,000/- by a period of one week.

5. Mr. Chandanshiv has tendered communication dated 8.1.2016 instructing him to withdraw the petition. He submits that he will move Aurangabad Bench for appropriate reliefs. The letter dated 8.1.2016 tendered by Mr.Chandanshiv is taken on record and marked "X" for identification.

6 In view thereof, on the motion made by Mr.Chandanshiv, Petition is allowed to be withdrawn and is disposed of as withdrawn.

(R.G.KETKAR, J.)