

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8973 OF 2014

Dilip Champalal Kankariya & ors .. Petitioners

Versus

Rohidas Chandrakant Ubale & ors .. Respondents

Mr.A.B. Tajane, Advocate for the petitioner.

Mr.Siddhesh Pilankar I/b Uday Warunjikar for respondent no.1.

CORAM : K.K. TATED, J

DATED : 1st JULY 2016

P.C. :

1 Kept back.

2 In second session, both the counsel appeared and mentioned the matter. On their request, matter is taken on board.

3 Learned Advocate for the petitioner submits that petitioner may be permitted to withdraw the present petition. He further submits that Exhibit-5 filed by the petitioner plaintiff in Regular Civil Suit No.849/13 before Civil Judge, Jr. Division, Pune is pending for hearing and final disposal on its own merits since April 2014. He submits that in the interest of justice, this Court may expedite the hearing of Exhibit-5 application.

4 Learned counsel for the petitioner given in writing on farad about the withdrawal of the Writ Petition. Same is taken on record and marked "X" for identification.

5 Considering the submissions made by the learned counsel for the petitioner, and after perusing Exhibit-5 application, the following order is passed :

- a) Writ Petition stands dismissed as withdrawn.
- b) Hearing of Exhibit-5 application filed by petitioner plaintiff on 25th April 2013 in Regular Civil Suit No.849/13 is expedited.
- c) Contentions of both the parties are kept open in Exhibit-5 application.
- d) This Court expects that the trial Court to decide the said application as early as possible, and in any case, on or before 31st September 2016.

(K.K. TATED, J)