

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9655/2015

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. Vishal Kanade with Mr. D. D. Singh for the petitioner

Mr. Anupam R. Sharma with R. A. Shaikh for the respondent

CORAM : K. K. TATED, J.
DATE : APRIL 26, 2016

P.C.:

1. Heard. After hearing for some time, the learned counsel for the petitioner submits that he received instructions from his client to withdraw the Writ Petition with liberty to proceed with suit No.2180/2014 on its own merits. He further submits that in the present proceedings, the advocate for respondent Nos.2 and 3 made a statement that the respondent will not create any third party right, title and interest in respect of the suit premises. That statement may be continued till 18.06.2016 with liberty to the petitioner to move before the civil court for appropriate orders. He further submits that the petitioner has no objection if respondent Nos.2 and 3 withdraw the amount deposited by them in the Registry of this court along with accrued interest. To that effect, the learned counsel for the petitioner made an

endorsement on a farad. Same is taken on record and marked "X" for identification.

2. Hence, the following order is passed:

a. The Writ Petition stands dismissed as withdrawn.

b. Liberty granted to the petitioner to take out appropriate application, if it is permitted in law, in suit No.2180/2014 for ad-interim or interim orders.

c. Liberty granted to respondent Nos.2 and 3 to withdraw the amount deposited by the petitioner in the Registry of this Court, along with interest, without furnishing any security.

d. The statement made by the learned counsel for the respondent Nos.2 and 3 recorded by this court in order dated 13.10.2013 to continue till 18.06.2016.

e. It is made clear that, if any application is made by the petitioner, that to be decided on its own merits.

f. All contentions of the parties are kept open.

JUDGE