

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3497 OF 2014

(SMT. KASHIBAI FULCHAND CHOKSE & ANR...VS..SHAIENDRA FULCHAND CHOKSE & 3 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : AUGUST 11, 2016.

Shri S.A. Choudhari, advocate holding for Shri Anand Parchure, advocate for the petitioner, on instructions, seeks permission to withdraw the the challenge raised under order 7 Rule 11(a) and (d) of the Code of Civil Procedure by the application filed before the trial Court, with liberty to file fresh application under Order 7 Rule 11(a) and (d) of the Code of Civil Procedure.

Shri S.G.Jagtap, advocate for the respondent No.4 / plaintiff does not oppose the request made on behalf of the petitioners.

The petitioners are permitted to file fresh application under Order 7 Rule 11(a) and (d) of the Code of Civil Procedure.

In view of the above, the order passed by the trial Court on 2nd July, 2014 rejecting the challenge raised by the petitioners under Order 7 Rule 11(a) and (d) of the Code of Civil Procedure, does not survive.

The order passed by the trial Court under Order 7 Rule 11(b) of the Code of Civil Procedure directing the plaintiff to properly value the claim and to pay court fees is maintained.

The petition is disposed in the above terms. The parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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