

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1687 OF 2017

Grampanchayat Adgaon
Tq. Erandol, Dist. Jalgaon
through Its Sarpanch

Petitioner

Versus

Sau Kalpnabai W/o Atmaram Patil & others

Respondents

Mr.Vijay B. Patil advocate for the petitioner

CORAM :S.B. SHUKRE, J

(Date : 7TH February, 2017.)

PER COURT :-

1 After hearing this matter for a considerable period of time, learned counsel for the petitioner seeks leave of the Court to withdraw the petition, with liberty to file fresh application before the Executing Court to seek restoration of the power supply to the Suit property.

2 The order dated 22.4.2016 has been passed mainly on the ground of failure of the petitioner to challenge the decree and as there is no stay order by the appellate Court. Thereafter the petitioner filed Regular Appeal against the exparte Judgment along with application for condonation of delay which was rejected. The petitioner challenged the said order by filing Second

Appeal along with Civil Application. This Court has directed the first Appellate Court to decide the appeal and continued the stay till the registration of the appeal. Considering these facts, I am of the view that the leave, with liberty as prayed for can be granted. Accordingly, the petitioner is permitted to withdraw the writ petition, with liberty to file fresh application for restoration of the electricity supply and in case such an application is filed within two weeks from the date of this order, same shall be considered afresh by the Executing Court, without being influenced by the observations in the orders dated 31.3.2016 and 22.4.2016 after giving reasonable opportunity of being heard to the contesting parties. The application shall be disposed of as expeditiously as possible.

3 Petition is accordingly disposed of with no costs. .

(S. B. SHUKRE, J.)