

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2036 OF 2017
WITH
WRIT PETITION NO. 2072 OF 2017

Shri.Veejhay Jaypal Magdum & Ors.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

.....

Mr. Uday P. Warunjikar for the Petitioners.

Mr. Vijay Killedar for Respondent No.1

Mr.S.D.Rayrikar, AGP for the State- Respondent No. 1.

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CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 11, 2017

P.C. :

1 The learned counsel for the petitioners submits that the application filed below Exhibit 53, preferred by the respondents, i.e. original plaintiffs, for interim relief is pending before the trial Court and the application under Order VII Rule 11 of C.P.C. filed by the present petitioners challenging the jurisdiction and the legal provisions is also pending. The learned counsel for the petitioners, on instructions, submits that the petitioners, i.e. original defendants, shall withdraw the application filed under Order VII Rule 11 of C.P.C. He further submits that the application filed below Exhibit 5 seeking interim relief, be decided expeditiously.

2. Arguments are heard. The submissions made by the learned counsel for the petitioners are fair, to which the learned counsel for the

respondents has given no objection. Hence, the submissions made by the learned counsel for the petitioners are accepted. The petitioners/defendants shall withdraw their application, under Order VII Rule 11 of C.P.C. filed before the trial Court on the next date, as per the statement made by the learned counsel of the petitioners and therefore, the trial Court to proceed with the matter and decide the application below Exhibit 5 seeking interim relief on or before 30th June 2017. The application below Exhibit 5 for interim relief is to be decided first. The petitioners may file reply to the said application below Exhibit 5. The petitioners/ defendants have filed their written statement, however, that written statement is subject to the order on application filed under Order 39 Rule 11 of C.P.C. The application filed under Order 39 Rule 11 may be decided immediately after the application below Exhibit 5 is decided.

3. The learned counsel for the petitioners, on taking telephonic instructions from the petitioners, seeks leave to withdraw these petitions. Leave is granted. Both the Petitions are allowed to be withdrawn and stand dismissed as such.

(MRIDULA BHATKAR, J.)