

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2873 OF 2017

Vitthal Mhasku Mandhare .Petitioner

Vs.

Vilas Manilal Parekh & anr. .Respondents

Mr.Jaydeep Deo, Advocate, for the Petitioner

CORAM : R.G.KETKAR, J.

DATE : 06.03.2017

P.C.

. Not on board. At the request of Mr. Deo, learned counsel for the Petitioner taken up in the production board.

2. Heard Mr. Deo, learned counsel for the Petitioner.

3. By this Petition under Article 227 of the Constitution of India, the Petitioner, hereinafter referred to as 'Judgment Debtor' has challenged the Judgment & Order dated 16.01.2017 passed by the learned 7th Additional Small Causes Judge and Civil Judge (S.D.), Pune below Exh.26 in Special Darkhast No.46 of 2015. By that order, the learned trial Judge rejected the Application made by the Judgment

Debtor for staying the execution proceedings on the ground that the decree is satisfied.

4. After arguing the Petition for quite some time, Mr. Deo seeks permission to withdraw the Petition with liberty to file the Application as contemplated under Order XXI, Rule 2 of the Code of Civil Procedure, 1908 (For short “CPC”).

5. In view thereof and the motion made by Mr. Deo, the Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All contentions of both the parties on merits are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)