

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9581 OF 2017

Srinath Chintamani Bhandare, through PoA holder ...Petitioner

Versus

Hareram Alias Vijay Alias Pintu Alias Santosh Jagannath Varma ...Respondent

Mr Vasant Raut, *for the Petitioner.*
Mr Sachin Deokar, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 27th November 2017

PC:-

1. After some arguments, Mr Raut for the petitioner seeks leave to withdraw the writ petition.
2. The writ petition is dismissed as withdrawn.
3. Liberty to the petitioner to make an application before the competent authority for fixing interim compensation. It is made clear that the compensation, if any, required to be paid by the respondent is yet to be fixed. The competent authority will, therefore, not be entitled to pass an order for striking out the defence of the defendant until (a) some interim compensation has

been fixed after an adjudication on an application made by the petitioner; and (b) the respondent is found to be in default of payment of the interim compensation so fixed.

4. The writ petition is dismissed as withdrawn with these directions. There will be no order as to costs.

(G. S. PATEL, J)