

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

WRIT PETITION NO.363 OF 2017

(AMARTYA SURENDRA DESHMUKH & ANR...VS.. RAMESH KRUSHNARAO DESHMUKH)

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

Court's or Judge's orders

Shri A.M.Sudame, Advocate for Petitioners.
Shri A.S.Dhore, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 31, 2017.

After the petition was heard for sometime, the learned advocate for the respondent, on instructions sought permission to withdraw the application (Exh.16) on which the impugned order is passed, however, with liberty to file an application under Order 41 Rule 27 of the Code of Civil Procedure for producing the documents on record.

The prayer made on behalf of the respondent is opposed by the learned advocate for the petitioners.

Considering the facts of the case, the respondent is permitted to withdraw the application (Exh.16) filed in Regular Civil Appeal No. 27 of 2015. As the application is withdrawn, the impugned order does not survive. The respondent will be at liberty to file application under Order 41 Rule 27 of the Code of Civil Procedure, if so advised.

If such application is filed, it may be considered on its merits according to law.

The writ petition is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE