

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

WRIT PETITION NO.5774/2015

Smt. Sunanda Subhashrao Mule and others

..Vs..

Rajesh Dulichand Bijore

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

Court's or Judge's orders

Shri Anjan De, Advocate for the petitioners.
Shri Ranjeet D. Bhuibhar, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 14.12.2017.

Heard.

After arguing for sometime, the Advocate for the petitioners, on instructions, seeks permission to withdraw the application (Exh. No.42) with liberty to urge ground Nos.8-D and 8-E formulated in paragraph No.2 of the application at the time of hearing of the appeal as per Order 41 Rule 2 of the Code of Civil Procedure. It is submitted that as far as ground Nos.8-A, 8-B and 8-C are concerned, they will not be pressed in view of order passed in Writ Petition No.5772/2015.

The Advocate for the respondent No.1 opposes the prayer made on behalf of the petitioners for grant of liberty to urge ground Nos.8-D and 8-E at the time of final hearing of the appeal. It is submitted that the petitioner No.1 had herself sought permission from

District Court for sale of property of minors and permission is granted and, therefore, the petitioners cannot raise the grounds as per ground Nos.8-D and 8-E now.

Considering the facts of the case, the petitioners are permitted to withdraw the application (Exh. No.42) with liberty to urge ground Nos.8-D and 8-E at the time of final hearing of the appeal before the District Court, as per Order 41 Rule 2 of the Code of Civil Procedure. The respondent No.1 will be at liberty to oppose the submissions of petitioners and point out the order passed by the District Court granting permission to petitioner No.1 to sell the property in question. The petitioners will not be entitled to urge ground Nos.8-A, 8-B and 8-C.

As the application (Exh. No.42) is withdrawn, the order passed on it does not survive.

With the above observations, the petition is **disposed**.

In the circumstances, the parties to bear their own costs.

At this stage, the Advocate for respondent No.1 has prayed for directions to the District Court to dispose the appeal expeditiously.

The learned District Judge is directed to dispose the appeal till 30th March, 2018.

JUDGE