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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.130 OF 2016

Vinod S/o Amolakchand Gandhi ..PETITIONER

VERSUS

Dilip S/o Mansukhlal Gandhi & ors. ..RESPONDENTS

Mr U.S. Malte, Advocate for petitioner;
Mr S.A. Deshpande, Advocate for respondent no.1;
Mr V.S. Bedre, Advocate for respondent no.2;
Mrs A.V. Gondhalekar , A.G.P. for respondent Nos.3 & 5;
Mr Avinash Phad, Advocate holding for Mr N.V. Gaware, Advocate for
respondent Nos.6 to 8

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 26th November, 2018

ORAL ORDER:

Heard Mr Malte, learned Counsel appearing on behalf of the petitioner for some time. It is submitted before this Court that respondent nos.6 to 8 were added as parties to the public interest litigation by way of amendment. Respondent nos.6 to 8 are added as respondents on 24th November, 2017.

2. An affidavit-in-reply is filed on behalf of respondent nos.6 to 8 and it is brought to the notice of this Court that prior to these persons being added as party respondents to the present public interest litigation, a civil suit is

(2)

instituted at their instance in the Court of the learned Civil Judge Senior Division, Ahmednagar on 20th February, 2017. In view of the fact that respondent nos.6 to 8 have approached the competent Civil Court challenging the action of the Municipal Corporation, Ahmednagar and now the competent Civil Court is in the process of deciding the civil rights of the parties, Mr Malte, learned Counsel appearing on behalf of the petitioner, on instructions, prayed for withdrawal of the present public interest litigation with liberty to approach this Court in case if the petitioner has a grievance post the orders passed by the competent Civil Court. Public Interest Litigation stands disposed of as withdrawn with liberty as prayed for.

3. The petitioner was directed to deposit an amount of Rs.2,00,000/- in this Court within stipulated period to show his *bona fides* and the amount is deposited by the petitioner. As the petition is withdrawn by the petitioner, the learned Counsel prays for withdrawal of the amount of Rs.2,00,000/- deposited by him in this Court. The petitioner is permitted to withdraw the amount of Rs.2,00,000/- deposited in this Court in compliance of the order of this Court dated 5th October, 2016.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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