

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

CIVIL WRIT PETITION NO.330 OF 2018

Digicable Network (India) Limited ... Petitioner
Vs.
Ultra Media and Entertainment Private Limited ... Respondent

Mr.Rahul Kedar i/by Mr.Aagam Doshi for the Petitioner.
Mr.Ravi Suryawanshi with Mr.Shriniket Deshpande i/by M/s Naik Naik
& Company for Respondent No.1

**CORAM : G.S.KULKARNI, J.
DATE : FEBRUARY 16, 2018.**

P.C.:

. After this petition was heard for sometime, learned counsel for the respondent fairly agrees to make an application considering the provisions of Rule 119(4) of the Bombay City Civil and Sessions Rules 1948, the application as made under the said provision is required to be decided by the learned Trial Judge on its own merits after hearing all the parties and in accordance with law.

2. In this view of the matter learned counsel for the respondent intends to withdraw the praecipe dated 21st December, 2017, on which the impugned order has been passed. As the praecipe itself stands withdrawn by the respondent, impugned order passed on the said

praecipe dated 21st December, 2017 would not be of any consequence, and stands set aside.

3. Needless to observe that, the learned trial judge shall decide the proposed application on its own merits and without being influenced by the impugned order dated 21st December, 2017.

4. The petition is accordingly disposed of in the above terms. No costs.

5. All contentions of the parties on merits are expressly kept open.

(G.S.KULKARNI, J.)

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