

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

WRIT PETITION NO.6814 OF 2017

(CHANDRAKANT GOVINDRAOJI PINGALE...VS.. MADHUKAR GOVINDRAOJI LUTE)

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

Court's or Judge's orders

Shri M.I.Mourya, Advocate for Petitioner.
Shri A.A.Sambaray, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 02, 2018.

CIVIL APPLN.(CAW) NO. 2778/2017

Heard.

By this application the petitioner seeks permission to withdraw the writ petition with liberty to avail appropriate alternate remedy according to law.

The learned advocate for the respondent has opposed the prayer made in this civil application. It is pointed out that the petitioner obtained an exparte interim order on 17th October, 2017 because of which the execution of warrant of possession was stayed, however, on condition that the petitioner deposits an amount of Rs.Two Lakhs within ten days, but the petitioner has failed to comply with the condition and failed to deposit Rs.Two Lakhs. The learned advocate has pointed out that the petitioner has not only taken benefit of the interim order for ten days, but on 27th October, 2017 Civil Application No.2396 of 2017 was moved seeking extension of time to deposit the amount. The order passed by this Court on 27th October, 2017 shows that this

Civil Application No.2396 of 2017 was withdrawn. The advocate for the respondent has submitted that the possession warrant has not been executed till date because of pendency of this petition and because of the interim order passed by this Court.

Considering the conduct of the petitioner, Civil Application No. 2778 of 2017 seeking permission to withdraw the writ petition is **dismissed**.

It is clarified that the interim order granted by this Court on 17th October, 2017 stands vacated and the respondent is at liberty to proceed with the execution.

W.P. NO. 6814/2017.

List the petition for further consideration on 2nd April, 2018.

JUDGE