

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

21 CIVIL REVISION APPLICATION NO.179 OF 2016

WITH CA/2751/2019 IN CRA/179/2016

WITH CA/13543/2019 IN CRA/179/2016

M/S SAIBABA AUTOMOBILES, NANDED

VERSUS

PRAKASH MEGHRAJ MALPANI

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Advocate for Applicant : Mr. Patil Milind M. (Beedkar).

Advocate for Respondent : Mr. P. S. Agrawal.

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CORAM : V. K. JADHAV, J.

DATE : 18.11.2019

PER COURT :-

1. The learned counsel for the applicant submits across the bar the civil application. The same is taken on record. Copy is given to the other side.

2. The learned counsel for the applicant submits that during the pendency of this Civil Revision Application, the parties have arrived at amicable settlement and accordingly the terms and conditions of the settlement are placed before the Executing Court. The learned counsel appearing for the respondent-landlord, on instructions, admits the same.

3. In view of the same, the learned counsel seeks leave to withdraw this Civil Revision Application. However, the learned counsel submits that in terms of the order passed by this Court dated 25.04.2019, the applicant has deposited Rs.2,00,000/- (Rupees Two Lacs only) before this Court. The applicant may be permitted to withdraw the same. The applicant has also filed the Civil Application to that effect. Furthermore, in the terms and conditions placed before the Executing Court, there is a specific Clause No.2 about withdrawal of this amount permitting the present applicant to withdraw the amount deposited before this Court. The learned counsel appearing for the respondent-landlord has no objection if the applicant is permitted to withdraw the said amount of Rs.2,00,000/- deposited before this Court. In view of this, leave granted. Hence, the following order :

ORDER

- (I) The Civil Application No.13543 of 2019 is allowed in terms of prayer clauses 'B' and 'C' and accordingly disposed off.
- (II) Civil Revision Application No.179 of 2016 is dismissed as withdrawn.

(III) In view of withdrawal of Civil Revision Application, pending Civil Application No.2751 of 2019 also stands disposed off.

(V. K. JADHAV, J.)

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vmk/-