

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.5906 OF 2018

BALRAM MONIBHAI SHAIKH THROUGH LRS
VERSUS
AMIN KARMBHAI SHAIKH THROUGH LRS

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Advocate for Petitioners : Shri Gandhi Amol S.
Advocate for Respondents 1A to 1D : Shri Kulkarni S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 16, 2019

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PER COURT :-

1. This matter was heard extensively on 15.1.2019 and an order had been dictated. Learned Advocate for the petitioners sought an adjournment to take the instructions.
2. Today, the learned Advocate for the petitioners prays for leave to withdraw this petition.
3. Learned Advocate for the respondents submits that considering the law laid down by the Honourable Allahabad High Court, especially in paragraph Nos.9 and 13 in Gulam Ashraf Vs. Abdul Khalik (D) through L.Rs. and another [AIR 2006 All 149], the petitioners should hand over the possession for calculating mesne profits or should pay costs.

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4. Since the petitioners desire to withdraw this petition, the same is disposed off as withdrawn. Needless to state, the executing Court dealing with the R.D. No. 339 of 2004 (Old No. 307 of 1991), will consider the issue of handing over of possession. Since the execution proceedings are about 20 years old, the same are expedited and the Executing Court would decide the execution proceedings as expeditiously as possible and in any case on/or before 15.3.2019. The matter may be conducted on day-to-day basis if the executing Court finds it appropriate. Adjournment requests would be refused.

(RAVINDRA V. GHUGE, J.)

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