

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.16111/2015
WITH
CIVIL APPLICATION NO.1044/2018

Sunil Kumar Hastimal Jain

... Petitioner

V/s.

Raghunath Damodar Patil

... Respondent

Mr. J. S.Kni with Sapana Krishnappa I/b. Suresh Dube for the
Petitioner

Mr. K. K. Malpathak for Respondent No.3.

CORAM: K.K. TATED, J.

DATED : JANUARY 8, 2019

P.C. :

1 Heard. After arguing for some time, both the parties tendered minutes of order dated 08.01.2019 duly signed by the respective Advocates. Same is taken on record and marked "X" for identification. The minutes of order read thus:

"MINUTES OF THE ORDER

1. Order below Exhibit 47 in R.C.S. No. 231 of 2002 dated 25th February 2015, passed by Jt Civil Judge J.D. Thane, is hereby set aside.

2. Plaintiff/Petitioner is at liberty to file Affidavit of Examination in chief in regard to the Secondary Evidence that he proposed to adduce. Defendant/Respondent is at liberty cross examine the Plaintiff/Petitioner in that regard.

3. Learned Trial Court to decide the issue of admissibility of the documents in accordance with law after which the Trial to proceed.

4. In view of withdrawal of Civil Application for appointment of Court Receiver from this court, Plaintiff/Petitioner at liberty to pray for appointment of Court Receiver in the Trial Court and in the event of such an application being made, the same be decided by the Trial Court, expeditiously and in any event within a period of 3 months from the date hereof.

5. Writ Petition stands to disposed off with no order as to costs."

2 The Writ Petition stands disposed of in terms of the minutes of order.

3 In view of disposal of the Writ Petition, the learned counsel for the Applicant seeks liberty to withdraw the Civil Application. Same is permitted.

4 The Civil Application stands dismissed as withdrawn. No order as to costs.

(K. K. TATED, J.)