

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9421 OF 2013

Lakhan Karbhari Sonawane ...Petitioner
vs.
Shalini Bhausahab Deshmukh and Ors. ...Respondents

Mr. R.D. Motkari, for the Petitioner
Mr. G.R. Agrawal, for Respondent No. 4.

CORAM : M. S. SONAK, J.

DATE : APRIL 05, 2019

P.C.:

. The learned counsel for the Petitioner on instruction from the Petitioner seeks leave to withdraw this Petition with liberty to intervene in the proceeding of the Second Appeal which the Respondents herein might be instituted to question the judgment and decree dated 31st August, 2018 in Regular Civil Appeal No. 75 of 2015.

2. Mr. Motkari, learned counsel for the Petitioner points out that the challenge in this Petition is to the consent decree dated 19th January, 2006 in Special Civil Suit No. 17 of 2006. He points out that this very consent decree has been set aside by the City Civil Court by a judgment and decree dated 7th January, 2015 in R.C.S.

No. 88 of 2006. He points out that by the judgment and order dated 31st January, 2008 the Appeal Court has dismissed the Appeal against the judgment and decree dated 7th January, 2015. He submits that this is the reason why he seeks to withdraw the Writ Petition with liberty as aforesaid.

3. Mr. Agrawal, learned counsel for the Respondent submits that the issue as to whether the Petitioner is entitled to intervene in the Second Appeal may be left open.

4. Accordingly, leaving all contentions of all the parties open, leave is granted to withdraw this Petition with liberty as prayed for.

5. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)