

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

**WRIT PETITION NO. 1359/2019**

Dudhram S/o Baliram Hatwar

..VS..

Santosh S/o Gyanivant Hatwar & anr.

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

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Shri R.S. Khemukar, Adv h/f Shri S.G. Joshi, Adv for the petitioner  
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**CORAM : Z.A.HAQ, J.**

**DATED : 27/02/2019**

By the impugned order, the learned District Judge has dismissed the application (Exh. 6) filed by the petitioner under Order 41 Rule 5 read with Section 151 of the Code of Civil Procedure seeking stay to the execution of the decree passed by the trial Court. The learned District Judge has observed that the trial Court has granted decree for declaration and injunction against the Judgment Debtor and it is not executable.

At the time of hearing of the petition, the learned advocate for the petitioner submitted that the petitioner apprehends that the respondents may create third party right in the suit property and the rights of the petitioner in the suit property are required to be protected. If it be so, the petitioner will have to move appropriate application in appeal before the District Court.

On instructions, the learned advocate for the petitioner seeks permission to withdraw the writ petition with

liberty to move appropriate application before the District Court.

The petition is **disposed** as withdrawn with liberty as prayed for.

**JUDGE**

*Ansari*