

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

WRIT PETITION NO.6023 OF 2016

[Gopal Ganesh Padhye and others .vs. The Nagpur Improvement Trust and others]

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

Court's or Judge's orders

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Shri K.N. Shukul, Advocate for the petitioners,
Shri G.A. Kunte, Advocate h/f Shri M.V. Samarth, Advocate for respondent no.1,
Shri B.M. Lonare, AGP for respondent no.2-State,
Shri A.M. Quazi, Advocate for respondent no.3.
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Coram : R.K. Deshpande & Vinay Joshi, JJ.

Date : 20.06.2019.

According to the learned counsel Shri K.N. Shukul appearing for the petitioners, the prayer clauses (a) (ii), (iii) and (b) in the petition have become infructuous. He submits that to agitate the issue of non payment of compensation, the petitioners would like to avail the remedy of filing the Civil Suit.

The claim is strongly opposed by the respondents and it is urged that the permission to file a Civil Suit cannot be granted.

After hearing the learned counsels appearing for the parties, we permit the petitioners to withdraw this petition with liberty to file a Civil Suit, if it is permissible in law. All the defenses, which are raised to oppose the maintainability of the suit, are kept open to be agitated.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)