

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

WRIT PETITION NO.4576 OF 2019

(NANDLAL KISANCHAND PAHUJA ...VS.. NARENDRA GHANSHYAM BHATI & OTH.)

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

Court's or Judge's orders

Shri Harish D. Dangre, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JULY 03, 2019.

After the matter was heard for sometime, I expressed that the learned trial Judge has not committed any error by rejecting application filed by the petitioner under Section 151 of the Code of Civil Procedure as the petitioner has not pointed out in the application (Exh.17) as to for what purpose police aid is required. Realizing the difficulty, the learned Advocate for the petitioner prayed for liberty to file appropriate application before the trial Court to reiterate the prayer as made in the application (Exh.17), pointing out the purpose for which the police aid is required. I find that the learned trial Judge has not dismissed the application (Exh.17) on merits, but as the necessary details were lacking in the application, the learned trial Judge has refused to grant the prayer as made in the application.

In these facts, I find that the request made by the petitioner is just and proper. The learned Advocate for the petitioner states that if liberty is granted to the petitioner to move proper application with all the relevant pleadings, the petitioner is not pressing the present writ petition.

In the above facts, following order is passed:

- i) The petitioner is permitted to withdraw the writ petition, with liberty to file proper application before the trial Court reiterating the prayer for grant of police aid, pointing out the purpose for which the police aid is required.
- ii) If such application is filed by the petitioner, it shall be considered on merits without being influenced by the order passed on the application (Exh.17) and it shall be decided expeditiously, preferably within one month.

The writ petition is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE

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