

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

WRIT PETITION NO.4845/2019

Harshdas S/o Ruprao Jibhkate
..Vs..
Ganesh S/o Balkrushna Jibhkate

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

Court's or Judge's orders

Ms. Ira P. Khisti, Advocate for the petitioner.
Shri H.P. Jain, Advocate for the respondent.

CORAM : Z.A. HAQ, J.
DATED : 15.7.2019.

Heard.

After arguing for some time, learned Advocate for the petitioner / plaintiff sought permission to withdraw the application (Exh. No.20) filed by him in the civil suit praying for temporary injunction, with liberty to file fresh application under Order 39 Rules 1 and 2 of the Code of Civil Procedure alongwith fresh map. Learned Advocate for the respondent / defendant has no objection for withdrawal of the application (Exh. No.20) and for grant of liberty to the petitioner / plaintiff to file fresh application alongwith fresh map.

The petitioner is permitted to withdraw the application (Exh. No.20). As the application stands withdrawn, the order passed by the trial Court on that application on 14th June, 2016 loses its efficacy.

Consequently, the Miscellaneous Civil Appeal No.58/2018 and the order passed in appeal on 4th July, 2019 also do not survive. The petitioner / plaintiff will be at liberty to file fresh application alongwith fresh map praying for temporary injunction. If such application is filed, learned trial Judge shall consider the application on merits without being influenced by any observations made in the orders passed on application (Exh. No.20) and in Miscellaneous Civil Appeal No.58/2018. Writ petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.