

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

WRIT PETITION NO. 6558/2017

Mahadeo S. Uchade Thru LRs

..VS..

Rameshkumar J. Chandak

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

Court's or Judge's orders

Shri A.P. Tathod, Advocate for the petitioner(s)
Shri N.R. Saboo, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 13/09/2019

The learned advocate for the petitioners, on instructions, states that as M.J.C. No. 03/2016 filed by the respondent under Order 39 Rule 2 (a) of the Code of Civil Procedure is dismissed in default, the challenge in the present petition to the substantive order passed on the application (Exh. 110) is rendered infructuous, and seeks permission to withdraw the writ petition. It is submitted that the amount of Rs. 5,000/- deposited by the petitioners as per the impugned order and as directed by this Court by the order dated 11/10/2017, be refunded to the petitioners.

The learned advocate for the respondent opposes the request for refund of the amount deposited by the petitioners.

The writ petition is **disposed** as withdrawn.

It is clarified that the observations made in the impugned order against the petitioners shall not be used

against the petitioners in any proceedings and the matter shall be considered by the trial Court on its own merits. The trial Court shall pass appropriate orders regarding disbursement of the amount of Rs. 5,000/- deposited by the petitioners while deciding the civil suit.

JUDGE

Ansari