

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

WRIT PETITION NO.1140 OF 2017

(VINOD BALIRAM GUNDAWAR.....VS.. TARACHAND SAHADEO BHUSARI & ANR.)

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

Court's or Judge's orders

Shri D.L.Dharmadhikari, Advocate for Petitioner.
None for the respondents.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 09, 2019.

None for the respondents. Heard Shri D.L.
Dharmadhikari, Advocate for the petitioner.

The learned advocate for the petitioner, on instructions, seeks permission to withdraw the application (Exh.19) filed by him with liberty to file application before the trial Court praying for framing issue on the point of jurisdiction of the civil Court to entertain and decide the civil suit.

Considering the facts of the case, I find that the request made on behalf of the petitioner/ defendant No.1 is just and proper.

The petitioner/defendant No.1 is permitted to withdraw the application (Exh.19) which is decided by the impugned order. As the application itself is withdrawn, the impugned order does not survive and loses its efficacy.

The petitioner/defendant No.1 will be at liberty to file appropriate application before the trial Court praying for

framing the issue on the point of jurisdiction of the civil Court to entertain and decide the civil suit.

With the above observations, the writ petition is **disposed**. In the circumstances, the parties to bear their own costs.

JUDGE

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