

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

WRIT PETITION NO.708/2017

Nazim-Us-Subha @ Rehana Khan Mazhar Khan

..Vs..

Aizaz Mohd. S/o Taj Mohd. and others

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

Court's or Judge's orders

Shri U.J. Deshpande, Advocate for the petitioner.
Shri J.J. Chandurkar, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 7.1.2019.

Pursis dated 7th January, 2019 is filed on behalf of the petitioner seeking permission to withdraw the application (Exh. No.107) filed before the trial Court, with liberty to file additional written statement as per Order VIII Rule 9 of the Code of Civil Procedure.

The learned Advocate for the respondent No.1 has opposed the grant of liberty as sought by the petitioner.

However, considering the facts of the case, the following order is passed:

The defendant No.5 is permitted to withdraw the application (Exh. No.107) filed by the petitioner before the trial Court. Consequently, the impugned order passed on the application (Exh. No.107) is

rendered non est and loses its efficacy.

The petitioner will be at liberty to file application under Order VIII Rule 9 of the Code of Civil Procedure, if so advised. If such application is filed, it shall be considered by the trial Court according to law.

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

JUDGE

Tambaskar.