

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

WRIT PETITION NO.1586/2019

Bhaskar Shankarrao Girhe
..Vs..
Radheshyam Bairulal Khandelwal

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

Court's or Judge's orders

Shri S.V. Deshmukh, Advocate for the petitioner.
Shri K.P. Mahalle, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATED : 28.6.2019.

The petitioner had filed application before trial Court praying that the *ex parte* judgment and decree passed by the trial Court be set aside. As there was delay in filing the application, petitioner had filed application praying for condonation of delay. By the impugned order, trial Court has dismissed the application filed by the petitioner praying for condonation of delay and consequently, the application filed by the petitioner praying for setting aside *ex parte* judgment and decree is rejected.

Shri S.V. Deshmukh, Advocate for the petitioner submits that the petitioner will have to file appeal under Order 43 Rule 1 of the Code of Civil Procedure, and seeks permission to withdraw the petition

with liberty to file the appeal. Writ petition is **disposed** as withdrawn with liberty as prayed for.

The amount of Rs.1,50,000/- deposited by the petitioner with the Registry of this Court be given to the petitioner.

JUDGE

Tambaskar.