

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.9245 OF 2019
IN
WRIT PETITION NO. 595 OF 2007
WITH
WRIT PETITION NO.595 OF 2007

Sanjay s/o Madanlal Kabra .. Applicants

Versus

The State of Maharashtra and anr. .. Respondents

Mr A.S. Londhe, Advocate for applicants
Mr S.S. Dande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE AND
ANIL S. KILOR, JJ.**

DATE : 10.01.2020

ORAL ORDER :

1. Heard the learned Counsel Mr Londhe appearing for the applicant/petitioner.
2. At the outset, it is submitted by the learned Counsel for applicant/petitioner that though the application refers to the prayer clause (B) wherein the restoration of the petition is sought for by quashment and setting aside the order of Division Bench dated 27.2.2018, the applicant/petitioner is desirous of withdrawing the petition unconditionally. The learned Counsel then invited our attention to a communication forwarded to the Counsel duly signed by the petitioner Mr Sanjay Madanlal Kabra. The said communication is taken on record and marked 'X' for identification.
3. In view of these facts, the order of the Division Bench dated 27.2.2018 is recalled and the petition is restored to its file. Civil Application is disposed of.

4. In view of the statement made by the learned Counsel on written instructions of the petitioner, the petitioner is allowed to withdraw the petition on the will and risk of the petitioner. We further make it clear that the disposal of petition is not on merits, but is at the request of petitioner. The learned Counsel submitted before this Court that the petitioner Sanjay Madanlal Kabra is present in this Court who had instructed the learned Counsel by written instructions to withdraw the petition. Writ Petition is disposed of as withdrawn.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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