

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12187 OF 2019

Natvar Keshavlal Sanghvi

...Petitioner

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. R.R. Varma with Mr. Sachin Suware and Mr. Sanket Thorat for
Petitioner.

Mr. S.H. Kankal, AGP for the State/Respondent No.1.

CORAM : G. S. KULKARNI, J.

DATE : SEPTEMBER 27, 2021

PC :

1. By an order dated 4 November 2019, notice was issued to the respondents when Mr.Kadam, AGP appeared for respondent no.1 and Mr. Sonawane appeared for respondent no.2. It appears that on 21 February, 2020, this Court (C.V. Bhadang, J.) heard the petitioners however, as none appeared for respondent no.2/contesting respondent, and considering the nature of the dispute involved, the Court issued notice to respondent no.2 for final disposal of the petition at the stage of admission. On 26 August, 2021 respondent no.2 appeared in person and prayed for time as his lawyer was not keeping well and hence hearing of this petition was adjourned to 16 September, 2021. Today when the matter is called out, respondent no.2 again not represented. Respondent no.2 had sufficient notice of the petition as noted above. Accordingly, the Court has taken up this petition for hearing.

2. After hearing of this writ petition progressed at some length, learned counsel for the petitioner seeks leave to withdraw this writ petition with liberty to file a proper application under Section 23 read with Section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, “the Act”)
3. The petitioner is accordingly allowed to withdraw this petition with liberty to file a fresh application. If such an application is filed, the appropriate authority shall consider the application on its own merits and without being influenced by the impugned order dated 10 May, 2019.
4. All contentions are kept open.

(G. S. KULKARNI, J.)

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SAGAR
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