

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
 942 WRIT PETITION NO.7478 OF 2017
JAPFA COMFEED INDIA PVT LTD THROUGH ITS AUTHORIZED
OFFICER V S KAPGHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Petitioner : Latange V.p.

Mr. V. P. Latange, Advocate for the petitioner
 Mr. S. B. Pulkudwar, AGP for the State
 Mr. S. S. Dande, Advocate for respondent No. 3

CORAM : A.S. GADKARI & S. G. MEHARE, JJ.
 DATE : 25th January, 2022

ORDER:

1. In view of deliberation which took place in Court err to this, learned Advocate for the petitioner, on instructions, seeks leave to withdraw present petition with liberty to file a civil suit, impugning demand notice dated 15.05.2015 and for other consequential relief before the Court of competent jurisdiction.

2. Leave and liberty granted.

Petition is disposed of as withdrawn with aforesaid liberty.

3. In view of disposal of the petition, interim order dated 12th July, 2019 directing petitioner to furnish Bank Guarantee does not survive and the petitioner will be at liberty to withdraw the Bank guarantee.

4. It is needless to mention that, at the time of filing of suit, the petitioner will be entitled to the benefit as contemplated under section 14 of the Limitation Act i.e. from the date of filing of present petition till today, while computing limitation in that behalf.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

JPC