

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO.14214 OF 2022
IN WP/2135/2021

IMTIYAZ KHAN SARDAR KHAN
VERSUS
ASHA UTTAM BINAWADE AND OTHERS

.....
Advocate for Applicant : Mr. D.P. Palodkar
Advocate for Respondent Nos. 1 to 3 : Mr. K.D. Bade Patil
AGP for Respondent Nos. 4 and 7: Mrs. M.A. Deshpande
.....

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.
DATED : 7 OCTOBER 2022.**

PER COURT :-

1. Heard.
2. This is civil application of the original respondent No.5 in the writ petition aggrieved by the order passed by this Court on 28.9.2022 permitting the original petitioner to abandon the writ petition.
3. Mr. Palodkar, learned advocate for the applicant (respondent No.5 in writ petition) would submit that respondent No.5 had moved civil application and had obtained the circulation and was intending to solicit some order from the Court. Behind his back and even without intimating him, the matter was moved and has been abandoned, depriving respondent No.5 from bringing on record the facts and

circumstances, which according to him, would have dis-entitled the petitioner from claiming any relief.

4. The propriety apart, original petitioner had merely abandoned the petition, as contemplated under Order 23 of the Code of Civil Procedure. There is no question of any permission of the Court for abandonment. If the respondent No.5 feels aggrieved because he is now unable to bring on record certain important circumstances, the abandonment would not deprive him of prosecuting his own remedies as are available to him in law. Application is rejected.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

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