

The application was heard by the Trial Court on 15th March 2021 and vide order passed on the application on the same day, it was observed that petitioners had preferred Writ Petition No.3001 of 2019 before High Court and which fact was not brought to the notice of Court. On account of pendency of the petition before this Court, the application was rejected.

3. It is pertinent to note that on account of change in law, the petitioners had moved the application before Trial Court. Without going into the merits of the application, the Trial Court can be directed to decide the application of petitioners by restoring the same. Learned counsel for petitioners states that present petition may be allowed to be withdrawn with liberty to pursue Application Exhibit-159. Learned counsel for respondents submits that since Trial Court has not adjudicated the application on merits, same can be directed to be restored and decide in accordance with law.

ORDER

- (i) Writ Petition No.3001 of 2019 and Interim Application No.3286 of 2021 are allowed to be withdrawn and stand disposed off;
- (ii) Order dated 25th April 2019 and 15th March 2021 passed by Trial Court are set aside. Application below Exhibit-159 is restored and Trial Court is directed to hear the said application below Exhibit-159 and decide it in accordance with law.

(PRAKASH D. NAIK, J.)