

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5128 OF 2022
IN
WRIT PETITION NO.11029 OF 2015

Rajdhar Bhaga Dhangar
and others

.... Applicants

Versus

Daulat Bhila Devre
and others

.... Respondents

.....
Ms. Sakshi Kale, Advocate h/f Mr. A.B. Kale, Advocate for
Applicants
Mr. A.V. Deshmukh, Advocate for Respondent Nos. 4 and 5
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th APRIL, 2023

ORDER :

1. Learned advocate for the applicants, on instructions, seeks permission to withdraw the civil application as the learned advocate for respondent Nos. 4 and 5 has taken objection that since Regular *Darkhast* is already disposed of, the present civil application is not maintainable.

2. In Writ Petition No.11029 of 2015, the petitioner had challenged the order dated 09/04/2015, passed below Exhibits 27 and 66 by the Executing Court in Regular *Darkhast* No. 384 of 2001. This Writ Petition was dismissed in default by

order dated 24/01/2022. By the present application, applicants seek restoration of the Writ Petition, and permission to argue the Writ Petition on merits.

3. Learned advocate for respondent Nos. 4 and 5 has placed on record order dated 21/03/2022, passed by the learned 3rd Joint Civil Judge, Senior Division, Jalgaon in Regular *Darkhast* No.39 of 2022, thereby disposing the execution proceeding. In that view of the matter, nothing survives in the present civil application, and hence, learned advocate for the applicants seeks permission to withdraw the civil application with liberty.

4. Permission granted.

5. Civil Application is dismissed as withdrawn with liberty to the applicants to avail appropriate legal remedy.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane