

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 WRIT PETITION NO. 14314 OF 2023
AND
WRIT PETITION NO. 13889 OF 2023

SUSHILKUMAR MAHADEV CHIKTE
VERSUS
SHRIRAM CITY UNION FINANCE LTD
THROUGH ITS LEGAL ASSISTANT
MAHESH DILIP SHINDE AND OTHERS

...
Advocate for Petitioner : Mr. Solanke Shrikrashna B.
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 09th NOVEMBER, 2023

PER COURT :

Heard.

2. Writ Petition No. 13889 of 2023 is not on board. Taken on board on request of learned counsel for the petitioner.

3. Both the petitions are preferred by original third party. Being aggrieved by different orders passed in Arbitration R.D. No. 285 of 2018, by learned 4th Joint Civil Judge Senior Division, Latur. The respondent no. 1 is the decree holder who has taken up execution of recovery of amount of Rs. 43,61,464/- against remaining respondents.

4. Writ Petition No. 13889 of 2023 is in respect of order dated 29th March, 2023, below exhibit 40 which was filed under Section 47 read with Order XXI Rule 100 and 101 of Code of Civil Procedure. By

the impugned order application exhibit 40 stands rejected. It amounts to decree.

5. Learned counsel seeks permission to withdraw this petition with a liberty to prefer the remedy as permissible in law.

6. The Writ Petition No. 13889 of 2023, is disposed of as withdrawn with a liberty to prefer to avail remedy as permissible in law. The time spent in prosecuting present Writ Petition can be considered for condonation of delay, in case the petitioner refers any proceedings.

7. In view of the liberty given to the petitioner as stated above, I am of the considered view that the petitioner will get opportunity to agitate his grounds against the execution. Therefore, the hearing of the Writ Petition No. 14314 of 2023, is deferred so as to avail the petitioner to secure appropriate orders.

8. List Writ Petition No. 14314 of 2023 on 19th December, 2023.

[SHAILESH P. BRAHME, J.]

spc/