

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION NO.1007/2019

M/s Prince Regency (India) Pvt. Ltd. Through its Managing Director, Prakash
s/o Dineshkumar Jain and others

...Versus...

Miss Nitu D/o Kisan Mirpure and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.G. Shukla, Advocate for applicants
Shri Rohit Joshi, Advocate for respondent nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.

DATE : 06/01/2023

1. In view of the fact, that third party interest has been created in the property, which is the subject matter of agreement of development dated 13/10/2008, by virtue of sale-deed dated 30/11/2018, which is an admitted position and in view of what has been held in para 49 of ***Vidya Drolia and others Vs. Durga Trading Corporation (2021) 2 SCC 1***, Shri Shukla, learned counsel for the applicants seeks to withdraw the application with liberty to take appropriate proceedings as permissible in law including any entitlement, which may be available to him under Section 14 of the Limitation Act. Statement is also made that Regular Civil Suit No.1416/2019, challenging the sale-deed dated 30/11/2018 is also pending between the parties.

2. Considering the above statement, which is made on instructions, the misc. civil application is dismissed as withdrawn with liberty to take appropriate steps as permissible in law. It is also made clear that in case an application under Section 14 of the Limitation Act is filed in such proceedings, the same shall be decided by the Court in terms of the law applicable. In case a suit is filed before the Civil Court, Regular Civil Suit No.1416/2019 and such suit, which may be filed, shall be tagged together and decided together. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar