

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

Writ Petition (WP) No. 5584 of 2018

Nishant Sahakari Gramin Pat Purvatha Santha Maryadit, Akola and
another

Versus

Shrikant S/o Dnyandeorao Sapkal and others

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

Court's or Judge's Order

Shri J.B.Gandhi, Advocate for the petitioners.

Shri C.B.Joshi, Advocate for the respondents.

CORAM : ANIL S. KILOR, J.

DATED : 29th MARCH, 2023.

Heard.

2. The present writ petition is arising out of the order dated 21st August, 2017 passed by the District Judge-I, Akot, Dist. Akola in Regular Civil Appeal No. 44 of 2015 arising out of order dated 9th September, 2015, passed below exhibit 45 by the Joint Civil Judge (Junior Division), Akot in Regular Civil Suit No. 30 of 2010, thereby allowing the application filed under Section 9-A of Code of Civil Procedure and rejecting the plaint, came to be set aside.

3. Shri Gandhi, learned counsel for the petitioners submits that he wants to withdraw the application under Section 9-A of CPC and want to avail other remedies as available under the law, without pursuing the present writ petition. He further prays that, all the points may be kept open so that observations made in the judgment and order dated 21st August, 2017, cannot come in its way while pursuing the other remedy.

4. Shri Joshi, learned counsel for the respondent opposed the prayer.

5. Considering the request made by the learned counsel for the petitioners for withdrawal of application under Section 9-A of CPC, I do not find that it would cause any prejudice if it is accepted. Accordingly, the petitioners are permitted to withdraw the application under Section 9A.

6. Further the petitioners are granted liberty to avail other remedy as available and permissible under the law. It is further made clear that all the points are kept open.

7. The writ petition is disposed of.

[ANIL S. KILOR, J.]

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