



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6145 OF 2023

Priyanka Nilesh Tatiya Alias Jain

VERSUS

Latabai Amrutlal Tatiya And Another

...

Mr. M. S. Shah, Advocate for the Petitioner

Mr. V. B. Patil, Advocate for Respondent No.1

...

CORAM : R.M. JOSHI, J

DATE : JUNE 26, 2024

PER COURT :

1. After learned Counsel for Respondent objected to grant of any relief to the Petitioner on the ground that the restoration of the suit could not have been done by preferring application in a counter claim. It is his submission that the Plaintiff is required to file separate application as provided by law.

2. Learned Counsel for the Petitioner without prejudice to his rights and contentions seeks withdrawal of the Petition with liberty to file separate application in accordance with law.

3. Petition is allowed to be withdrawn with liberty as prayed for.

4. Since the delay in preferring of application before trial Court was only of 11 days, this Court finds it appropriate that till the time application is decided by the Court regarding the restoration of the suit, the counter claim not to be proceeded.

(R. M. JOSHI, J.)

Malani