

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.354 OF 2023

Pravin Manilal Sanghvi

.. Applicant

Versus

Kisan Shankar Darekar and Ors.

.. Respondents

.....

- Mr. S. C. Wakankar, Advocate for Applicant.
- Mr. Vilas S. Shelar, Advocate for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 12, 2024

P.C.:

1. Heard Mr. Wakankar, learned Advocate for Applicant and Mr. Shelar, learned Advocate for Respondents.

2. Mr. Shelar would submit that cognizance of the order dated 05.04.2024 has been taken by the Respondents who are Plaintiffs before the Trial Court. They have accordingly filed an Application seeking withdrawal of the suit proceedings however, in view of the ad-interim stay granted in the present Civil Revision Application, learned Trial Court has declined to proceed with the hearing of the Application.

3. However in view of my observations and findings which are delineated in the order dated 05.04.2024, I am inclined to allow the present Civil Revision Application and also pass further appropriate directions if so desired and required in respect of the suit proceedings.

4. However, in view of the Application filed by the Plaintiffs seeking withdrawal of the suit proceedings before the Trial Court, the impugned order dated 09.07.2019 stands quashed and set aside. It is not sustainable. In view of the reasons mentioned in my previous order dated 05.04.2024, the Civil Revision Application succeeds.

5. In that view of the matter, the impugned order dated 09.07.2019 passed below Exhibit-17 in Regular Civil Suit No.165 of 2018 which is appended at Exhibit-E, page No.69 of the Civil Revision Application is upheld, resultantly leading to allowing the Application of Defendants under Order VII Rule 11 of the Code of Civil Procedure, 1908 and dismissal of the Regular Civil Suit No.165 of 2018.

6. Therefore, the Application seeking withdrawal of the suit proceedings would become infructuous.

7. Resultantly in view of the above directions, the Civil Revision Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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