

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.406 OF 2024

Omkar Sakhar Karkhana Pvt. Ltd.

.. Petitioner

Versus

Brima Sagar Maharashtra Distilleries Ltd. & Anr. .. Respondents

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- Mr. Sumit V. Khaire, Advocate for Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 15, 2024

P.C.:

- 1.** Heard Mr. Khaire, learned Advocate for Petitioner.
- 2.** He has taken me through the impugned order dated 09.10.2023 and thereafter also read the judgment dated 16.01.2023 which is at Exhibit-A to the Writ Petition. After hearing this submissions and perusing the aforesaid orders, considering the fact that withdrawal was allowed by the learned Appeal Court subject to furnishing full bank guarantee for the entire amount as a pre-condition, I expressed my mind to Mr. Khaire that this Court would not interfere with the above orders.
- 3.** After taking instructions from the Petitioner, Mr. Khaire seeks withdrawal of the Writ Petition. Writ Petition is allowed to be withdrawn.

4. However Mr. Khaire makes a request to the Court that considering the fact that Petitioner is a *bonafide* purchaser of the suit property in liquidation proceedings from the National Company Law Tribunal (NCLT) which is borne out from the record, this Court be pleased to expedite hearing of Civil Appeal No.20 of 2023 which is the Appeal filed by Petitioner under Order – XLI of the Civil Procedure Code, 1908. This request made by Mr. Khaire can certainly be acceded to in the interest of justice.

5. In view of the above, learned Additional Judge Malshiras, at Malshiras seized with the hearing of the Civil Appeal No.20 of 2023 is directed to hear and dispose of as expeditiously as possible and preferably within a period of four months from today after hearing all concerned parties and strictly in accordance with law.

6. With the above directions, Writ Petition is allowed to be withdrawn.

7. Writ Petition is disposed as withdrawn.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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