



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 WRIT PETITION NO.1841 OF 2025

SHAIKH NIZAM S/O JAINUDDIN
VERSUS
USMAN BAIG S/O HUSAIN BAIG AND OTHERS

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Advocate for the petitioner : Mr.H.V.Tungar
Advocate for Respondent nos. 1 to 3 : Mr.C.C.Deshpande
Advocate for Respondent no.4 : Mr.Sk. Ismail h/f.
Mr.N.E.Deshmukh

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CORAM : ARUN R. PEDNEKER, J.
DATE : 03.10.2025

P.C. :

1] The learned counsel for the petitioner submits that his application below Exh. 5 in the suit is dismissed and against the said order, MCA No. 45/2022 is pending before the Appellate Court. He further submits that during pendency of the proceeding, there was subsequent cause of action, as such, he proceeded to file another application. He further submits that the main MCA No.45/2022 are pending before the Appellate Court and that he would withdraw the present writ petition and he would pursue MCA No. 45/2022 pending before the Appellate Court.

2] Considering the submission, the petitioner is permitted to withdraw the present Writ Petition, with liberty to approach the Appellate Court in MCA No. 45/2022 for any orders. The interim order operating in this matter would continue for the period of three weeks from today.

3] However, it is made clear that the interim order continued today is not on merits and the same is continued so as to enable the petitioner to approach the Appellate Court in MCA No.45/2022 and the concerned Court may decide the said Appeal on its own merits without being influenced by any observations of this Court or any other Court. All contentions of the parties are kept open.

[ARUN R. PEDNEKER]
JUDGE

DDC