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903 -WP-1550-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 1550 OF 2025

Vijay Vitthal Pund And Another

VERSUS

Devichand Hiralal Gandhi Dead Thr Lrs Gulabbai Devichand Gandhi
Dead And Others

...

Mr.Nikhil Santosh Jaju, Advocate for the Petitioners.

Mr. A. M. Gholap Advocate for Respondent Nos. 1 to 5.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. After arguing for sometime, the learned Advocate for the petitioners, on instructions, seek leave to withdraw the petition.
2. The learned Advocate for the respondents heavily opposes the prayer to withdraw the petition by pointing out the conduct of the petitioners. He submits that, only Defendant Nos.1 and 2 are the tenants. Defendant No.3 to 7 are the persons inducted by Defendant Nos.1 and 2. The decree attained finality till the Hon'ble Apex Court. At present, only two of the legal representatives of Defendant No.5(B)(2)

and 6 have approached this Court. The petitioners are adopting dilatory tactics by raising pleas in installment and prolonging the execution. He thus prays that if the Court is inclined to allow to withdraw the writ petition, heavy costs be imposed upon the petitioners for dragging the original landlord-respondent in a long drawn proceeding till this court and now seeking withdrawal of the petition.

3. Be that as it may, this Court certainly condemned the act of the petitioners. Henceforth, if such applications are made, it is given to understand that this Court shall deal with such petition on merits. Even the executing Court is at liberty that if the Court finds that the applications are frivolously filed only with view to prolong the matter, the Court may impose costs proportionately sufficient enough to compensate the respondent original land-lord.

4. Petition stands disposed off.

[KISHORE C. SANT, J.]