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If such application is filed, same to be decided on its own merits uninfluenced by this order.

3. It is clarified that this court has not examined the rival contentions of the parties on merits. Hence all contentions of all the parties on merits are kept open.

4. Appeal from order is disposed of as withdrawn with liberty as recorded above.

5. In view of disposal of appeal from order, interim application is disposed of as infructuous.

[GAURI GODSE, J.]