

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1267 OF 2025

Mohmad Daus Sahebrao and another

Petitioners

versus

The State of Maharashtra and others

Respondents

Mr.Kishor Patil with Mr.Amol Mhatre, Mr.Abhijit Paul, Advocates
for Petitioners.

Mr.Vishal Kanade with Ms.Saloni Shah and Mr.Anuj Savla i/by
Trilegal for Respondent no.5.

Ms.Savita A.Prabhune, AGP, for Respondents 1 to 4 State.

CORAM : AMIT BORKAR, J.

DATE : 27th February 2025

PC :

1. The advocate for Respondent no.5, on instructions, states that Respondent no.5 shall withdraw Appeal No.797 of 2024. Liberty to withdraw Appeal No.797 of 2024 is granted. The appeal is dismissed as withdrawn.

2. Therefore, the order impugned in the present petition dated 22nd January 2025 does not survive. It is quashed and set aside.

3. However, it is made clear that this Court has not adjudicated the rights of parties on merits and it shall be open

for Respondent no.5 to adopt fresh proceedings and liberty is granted to Respondent no.5 to challenge the order of grant of permission u/s.36-A in favour of Petitioner and any consequential order. Rights and contentions of both sides are kept open for adjudication, in case Respondent no.5 initiates fresh proceedings.

(AMIT BORKAR, J.)

MST