



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.3366/2025
Sameer and another V Damodaran

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.N. Bhattad, Advocate for petitioners.
Mr. V. Bharadwaj, Advocate for respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 03-10-2025.

Heard learned Counsel for the petitioners as well as learned
Counsel for the respondent.

2. It is pointed out that impugned order dated 11-06-2025 is
passed on the application for condonation of delay and now after the
delay is condoned, the appeal is registered bearing Regular Civil Appeal
No.252/2025.

3. After arguing the matter for some time, learned Counsel for
the petitioners seeks permission to withdraw the petition with liberty to
file a fresh application in Regular Civil Appeal No.252/2025 seeking stay
to the judgment and decree dated 07-10-2024 passed by the 2nd Additional
Small Causes Court, Nagpur in Regular Civil Suit No.329/2018.

4. In view of the controversy involved, the petitioners are
permitted to withdraw the instant petition with liberty to file fresh
application in the pending civil appeal referred above which may be
submitted on the next date of hearing of the appeal.

5. In this regard, learned Counsel for the respondent, on
instructions, makes a statement that in case such application is filed, the
respondent will not take steps for execution of the decree till the date, the

said application is filed. The stay application if filed, be decided on its own merits and after considering the position of law applicable.

6. In view of this, writ petition is disposed of as withdrawn.

(Prafulla S. Khubalkar, J.)