



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

WRIT PETITION NO. 4999/2024

Mr. Sudhir Singh s/o Nandlalji Thakur and others Vs. Harsh Agrawal
and others

Office Memoranda Appearances, Court's orders or directions and Registrar's orders	Notes, of Coram, Court's orders or Registrar's orders	Office Coram, Court's orders or Registrar's orders	Court's or Judge's orders
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Mr. S.K.Soni, Advocate for Petitioners.
Mr.Hrushikesh Marathe, AGP for Respondent no.7.

CORAM: RAJ D. WAKODE, J.

DATED : 16th MARCH, 2026

1. Heard Mr.Soni, learned counsel for the petitioners.

2. The petitioners seek challenge to the impugned order dated 12th January, 2024 passed by the learned 6th Joint Civil Judge, Senior Division, Nagpur, below Exhibits 16 and 28 in Regular Civil Suit No.37/2023. The aforesaid order allowed the aforesaid application for rejection of plaint under Order VII Rule 11 (a) and (d) read with Section 151 of the Code of Civil Procedure. Since, the plaint is rejected under Order VII Rule 11 of the Code of Civil Procedure, the remedy lies for the petitioner to file First Appeal under Section 96 of the Code of Civil Procedure.

3. In view of the above, Mr. Soni, learned counsel seeks permission to withdraw the present writ petition with liberty to file the First Appeal before the Competent Court. Needless to mention that the time spend by the petitioners before this Court after filing of the petition from 13th June 2024 till today shall be

considered by the learned Appellate Court while deciding the application for condonation of delay.

4. Writ Petition is accordingly disposed of.

(RAJ D. WAKODE, J.)

Mukund Ambulkar