



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

WRIT PETITION NO.514 OF 2025

VIJAY S/O. SHANKARRAO TALEWAR

VERSUS

PRAFULL S/O. SADASHIV BUTY (HUF) THR. KARTA,
SHRIKRISHNA P. BUTY

WITH

CONTEMPT PETITION NO.358 OF 2024

IN

WRIT PETITION NO.2511 OF 2024 (D)

PRAFULLA SADASHIV BUTY (HUF), THR. KARTA - SHRI. SHREEKRISHNA
S/O. PRAFULLA BUTY

VERSUS

VIJAY S/O SHANKARRAO TALEWAR, PROPRIETOR OF M/S. SAI ANAND
BHANDAR, NAGPUR

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. S.S. Shingane, Advocate for Petitioner in WP 514/2025.
Mr. R.M. Sharma, Advocate for Petitioner in CP 358/2024
and for Respondent in WP 514/2025.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 03rd FEBRUARY 2026

WRIT PETITION NO.514 OF 2025

1. Heard learned Advocate for the petitioner as well as learned Advocate for the respondent.

2. By this petition, the petitioner, who is licensee of the premises, has challenged the order dated 22.11.2024, passed by the Court of 2nd Additional Judge, Small Causes Court, Nagpur, in R.C.S. No.238 of 2017, on an application at Exhibit 66 filed under Order XV-A read with Section 151 of the Code of Civil Procedure, 1908, by which the defence of the petitioner-licensee is struck off.

3. Although learned Advocates for both the parties advanced their submissions on merits, however, learned Advocate for the respondent-licensor, on instructions, makes a statement that, considering the fact that the civil suit is pending since the year 2017, he seeks permission to withdraw the application at Exhibit 66, which was filed by the licensor for striking of the defence of licensee for failure to comply with the order dated 31.03.2023, passed below Exhibit 49. He thus submits that, in view of the readiness of the licensor to withdraw the said application, the grievance raised by the petitioner need not be prosecuted and the instant petition can be disposed of by directing the trial court to decide the civil suit expeditiously.

4. In view of the statement made by the respondent, the controversy involved in this petition is not required to be adjudicated further. Learned Advocate for the petitioner also submits that in view of the withdrawal of the application at Exhibit 66, the petition need not be prosecuted on merits.

5. In view of this, the respondent is permitted to withdraw the application at Exhibit 66, on which the order dated 22.11.2024 was passed and resultantly, the order dated 22.11.2024 is quashed and set-aside. The trial court is directed to expeditiously decide the civil suit bearing R.C.S. No.238 of 2017, preferably within a period of four months from the date of appearance of the parties. Parties are directed to appear before the trial court on 10th February 2026 and cooperate the court for expeditious decision of the suit.

6. Needless to state that the respondent is entitled to file a fresh application for striking of defence, if situation arises.

7. In view of the above, the writ petition is disposed of with no order as to costs.

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8. Learned Advocate for the petitioner, upon instructions, seeks permission to withdraw the contempt petition.

9. Permission granted.

10. The contempt petition is dismissed as withdrawn.

(PRAFULLA S. KHUBALKAR, J.)

asd