

ITEM NO.3

COURT NO.6

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).19537/2008

(From the judgement and order dated 09/05/2008 in WP No.410/2004 of The HIGH COURT OF M.P AT GWALIOR)

GOPALCHAND BATHAM

Petitioner(s)

VERSUS

BHARAT BATHAM &amp; ORS.

Respondent(s)

(With appln(s) for substitution and exemption from filing O.T. and permission to file rejoinder affidavit and with prayer for interim relief and office report)

Date: 04/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Niraj Sharma, Adv.

For Respondent(s) Ms. Chandan Ramamurthi, A.O.R. (Not Present)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated 09.05.2008 by which the learned Single Judge of the Madhya Pradesh High Court, Gwalior Bench dismissed the petition filed by the petitioner under Article 227 of the Constitution questioning the correctness of order dated 19.09.2003 passed by IInd Civil Judge, Class-II, Gwalior on an application filed under Order VI Rule 17 CPC.

After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw this petition with liberty to file a separate suit for partition.

In the facts and circumstances of the case, we accept the request of the learned counsel and dismiss the special leave petition as withdrawn with liberty in terms of the prayer made.

(Satish K. Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master