

# Rajhans Infrancon (India) Pvt Ltd vs Santosh Rameshbhai Rathod on 13 November, 2019

**Author: A. P. Thaker**

**Bench: A. P. Thaker**

C/CRA/343/2019

IA ORDER

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2019

In

R/CIVIL REVISION APPLICATION NO. 343 of 2019

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RAJHANS INFRANCON (INDIA) PVT LTD Versus SANTOSH RAMESHBHAI RATHOD

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Appearance:

MR MEHUL S SHAH, SENIOR ADVOCATE WITH MR AB MUNSHI for the  
PETITIONER(s) No. MR PK JANI, SENIOR ADVOCATE WITH MR DHAVAL D  
V Y A S f o r t h e R E S P O N D E N T ( s ) N o .

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CORAM: HONOURABLE DR.JUSTICE A. P. THAKER Date : 13/11/2019 IA ORDER

1. Learned advocate for the respondents has tendered affidavit-

in-reply on behalf of respondents No.1 and 2, which is taken on record.

2. Mr.Mehul S. Shah, learned senior counsel with Mr.A. B. Munshi, learned counsel for the applicant seeks permission to withdraw the present Civil Application with a liberty to apply, before the Trial Court, for adjournment in view of the order dated 24.10.2019 passed by this Court in main application.

3. The said submission has been objected by Mr.P. K. Jani, learned senior counsel with Mr.Dhaval Vyas, learned counsel for the respondents and has submitted that the suit was filed in the year 2017 along with the application at Exhibit 5 and the matter is kept for order on application at Exhibit 5. Mr.Jani, learned senior counsel C/CRA/343/2019 IA ORDER has submitted that there was no consent on the part of the respondents regarding filing of application for adjournment and he withdraws the same, if any. He has submitted that let the Trial Court may pass appropriate order on

application at Exhibit 5.

4. In rejoinder, Mr.Mehul S. Shah, learned senior counsel has submitted that it is his prerogative to withdraw the present Civil Application.

5. Considering the averments made in the application and affidavit-in-reply and the copy of the rojkam, it appears that after the order dated 24th October 2019 passed by this Court, neither of the party has moved any application for adjournment before the Trial Court. It appears from the rojkam that the matter is kept for order on application below Exhibit 5.

6. Considering the submissions made on the part of the applicant, the permission sought for regarding withdrawal of the application is granted.

7. It will be open to the applicant to apply for adjournment in the proceedings of the suit before the Trial Court. The Trial Court may consider the same in accordance with law.

8. With the aforesaid observations, the present application stands disposed of as withdrawn.

(A. P. THAKER, J) V.R. PANCHAL