

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER

IN

S. B. Civil Writ Petition No. 5654/2008

Kajodmal Sharma S/o Shri Gyarsilal Sharma

Versus

Nanuram Jhaghara S/o Shri Nathuram Jhaghara and
Another

Date of Order ::: 30.06.2008

Present

Hon'ble Mr. Justice Narendra Kumar Jain

Shri Pankaj Gupta, Counsel for petitioner

Shri Amit Gupta, Advocate, for

Shri B.L. Agarwal, Counsel for respondents

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By the Court: -

Heard learned counsel for the parties.

Plaintiff-petitioner filed a suit for permanent injunction along-with an application for temporary injunction. The trial court as well as the appellate court, both, dismissed the application for temporary injunction filed by the plaintiff-petitioner on the ground that in the facts and circumstances of the present case the plaintiff should have filed a suit for specific performance and in that suit itself a prayer should have been made for injunction.

During the course of arguments, the learned counsel for the petitioner made a prayer that the petitioner may be allowed to withdraw the writ petition with liberty to file an

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application for amendment in the suit in the trial court and to file another application for injunction in case the amendment in the plaint is allowed by the trial court.

The learned counsel for the respondents have no objection in allowing the petitioner to withdraw the writ petition with the aforesaid liberty.

The writ petition is accordingly dismissed as withdrawn with the liberty to the petitioner, as prayed.

(Narendra Kumar Jain) J.

//Jaiman//