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**IN THE COURT OF JMFC, DAYAPAR**

**CrMA/54/2023**

**ORDER**

(1) Perused the application made by the applicant Hitesh Rasiklal Lakhtariya, dated 13/07/2023 filed alongwith vakalatnama of Mr. R.M Gadhvi. The documentary evidence on record is photocopy of adhar card of the applicant, photocopy of RC book. The detailed opinion of the police dated 16-08-2023 stating not to handover the said vehicle to the applicant until the amount towards illegal mining penalty, environment damages and compounding fees payable by the owner of the vehicle. Perused the affidavit made by the applicant in support of his application. Heard Ld. Advocate for the applicant and Ld. APP for the State.

(2) The present applicant is claiming the muddamal being owner of the vehicle No. GJ36 T 5477 who has produced RC Book to prove his claim. Perusing the whole record it is revealed that earlier a muddamal application was filed before this court by Mr. Naresh Bhimshi Nandaniya for the same vehicle and his claim was that he is the owner of the vehicle. Perusing the previous muddamal application and documents produced in that it seems that he was claiming the ownership on the basis of agreement to sale. He has also produced RC book of the vehicle in which name of the present applicant is shown as owner of the vehicle, who has sole the vehicle to one Mr. Mori Kanabhai 8/10/21 and he further sold the

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vehicle to Mr. Naresh Bhimshi Nandaniya on 26/04/2022.

(3) In the previous application the court had not issued notice to registered owner and no NOC of RC book holder was produced by the previous applicant. The previous application was rejected by this court which was granted by the revisional court in CRMA 129/2022 on 12/07/2023. When such fact came to the knowledge of the present advocate of the present applicant he has filed the present withdraw pursis to withdraw the present application hence in view of the same the present application is disposed of as withdrawn.

Date: 01/09/2023

  
JMFC,  
Dayapar  
GJ 01407

Seef  
Dinesh  
C.M. J. P. P. P.