

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 4023 OF 2015**

Syed Ishtiyag Ahmed and Anr

..Petitioners

Vs

Shirin Sadudeen Abdul Husain

.. Respondent

Mr. G.S.Godbole, Senior Advocate i/b Mr. Ashok M. Misal,  
Advocate for Petitioners.

CORAM : R.G.KETKAR,J.

DATE : 18/12/2015

**PC:**

1. Not on Board. At the request of Mr. Godbole, taken up in production board. Heard Mr. G.S.Godbole, learned senior counsel for the petitioners.

2. By this Petition under Article 227 of the Constitution of India, original defendants have challenged the judgment and order dated 8.1.2015 passed by the learned Civil Judge, Jr.Dn., Wadgaon Maval, Pune below Exh.22 in Regular Civil Suit No.254 of 2014. By that order, the learned trial Judge rejected the application made by the petitioners under Sections 5 and 6 of the Arbitration and Conciliation Act, 1996 (for short, 'Act').

3. Mr. Godbole states that Arshad Ishtiyag Sayyad, son of petitioner no.1 is present in Court. He, upon instructions, states that the petitioners may be permitted to withdraw this petition in view of the finding recorded by the trial Court in paragraph 7

that the defendants are at liberty to put their grievance before the Arbitration Forum in view of Section 5 of the Act. He has tendered photocopy of Aadhar card of Arshad Ishtiyag Sayyed which is taken on record and marked "X" for identification.

4. On the motion made by Mr. Godbole, upon instructions, petition is allowed to be withdrawn and is dismissed as withdrawn. Order accordingly.

(R.G.KETKAR, J.)