

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3703 OF 2015

Vijayanand Bhaskar Churi

(Since deceased through his legal heirs)

Smt. Sadhana V. Churi and others

.. Petitioners

Versus

M/s. Sonal Construction

.. Respondent

Mr. Sachin Kankal i/by Mr. K. N. Kandekar, for the Petitioners.

Mr. Y. R. Shah, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 14th OCTOBER, 2015

PC.

1. The Learned Counsel Mr. Sachin Kankal holding for Mr. K. N. Kandekar on instructions of Mr. H. D. Makhijani, Power of Attorney holder of the heirs of the original Petitioner makes a statement that the Chamber Summons No.1182 of 2012 be permitted to be withdrawn with liberty file a fresh Chamber Summons through the heirs of original Plaintiff Vijayanand Bhaskar Churi. In view of the said statement by the Learned Counsel for the Petitioners, the said Chamber Summons No.1182 of 2012 is allowed to be withdrawn. In view of the withdrawal of the said Chamber Summons, the impugned order need not be considered on merits and to accordingly stand set aside. If any fresh Chamber Summons is filed

by the heir/heirs of the Plaintiff Shri. Vijayanand Bhaskar Churi, needless to state that the same would be considered by the Trial Court on its merits and in accordance with law uninfluenced by the impugned order. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]