

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.480 OF 2014**

Smt. Hansa P. Shah & Ors.

....Appellants.

Versus

Shri Shyamsunder R. Agarwal & Ors.

...Respondents.

Mr. A.R.Gole with Mr. Amit Shroff, advocates for the Appellants.

Mr. Nikhil Sakhardande i/by Mr. S.D.Patil, advocates for the respondent no.1.

Mr. M.S.Lagu, advocate for the respondent no.4.

**CORAM : SMT. VASANTI A.NAIK
& SHRI C.V.BHADANG, JJ.**

DATED : February 17, 2015.

P.C.:

Heard.

Mr. Gole, the learned counsel for the appellants, states that after giving thoughtful consideration to the prayer clauses and also the pleadings in the plaint, it appears that the prayer clauses ought to have been worded differently. It is stated that the prayer clauses are not drafted appropriately. It is further stated that the appellants would file an application for amendment of the pleadings with a view to amend the relevant prayer clauses and liberty may be granted to the appellants in that regard. Mr. Gole, the learned counsel for the appellants, on

instructions from the appellant no.9, who is also the power of attorney holder for the other appellants, seeks permission to withdraw the First Appeal. Permission to withdraw the first appeal is granted. The first appeal is disposed of as withdrawn. It would not be necessary to grant liberty to the appellants to file an appropriate amendment application as the appellants have a right to file the same. If an application is so filed, the trial Court should decide the same in accordance with law. Order accordingly.

(C.V.BHADANG, J.)

(MRS. VASANTI A.NAIK, J.)