

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

WRIT PETITION NO. 5305 OF 2015

M/s. Nandan Builders & Anr.

..Petitioners

Vs

Gopinathnagar "A" Co-operative
Housing Society Ltd & Ors

.. Respondents

Mr. Shailendra S. Kanetkar, Advocate for Petitioners.

CORAM :	R.G.KETKAR,J.
RESERVED ON:	18/06/2015
PRONOUNCED ON :	29/06/2015.

ORDER:

1. Heard Mr. Shailendra Kanetkar, learned counsel for the petitioners at length.
2. By this Petition under Article 227 of the Constitution of India, original defendants no.1 and 2 have challenged the Judgment and order dated 16.2.2015 passed by the learned Civil Judge, Jr. Dn. (P.M.C.), below Exhibit-48 in Regular Civil Suit No.2040 of 2013. By that order, the learned trial Judge allowed the application made by respondents no.1 to 5, hereinafter referred to as 'plaintiffs' under Order VI Rule 17 of C.P.C for amending the Plaint.
3. After arguing the Petition for sometime, Mr. Kanetkar, upon taking instructions from the petitioners, seeks permission to withdraw this Petition with liberty to challenge the impugned

order in case the suit is decided against defendants no.1 and 2 as contemplated under section 105 of C.P.C.

4. In view thereof, on the motion made by Mr. Kanetkar, the Petition is allowed to be withdrawn with liberty as prayed for. Order accordingly.

(R.G.KETKAR, J.)