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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5338 OF 2015

Darshana Negandhi .. Petitioner

Vs.

Mita Devrat Shah and others .. Respondents

Mr.Prashant G.Karande, Advocate for the Petitioner.
Mr.H. S.Kaazi, Advocate for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : 31st JULY, 2015

P.C. :

. Heard Mr.Prashant Karande, learned Counsel for the petitioner and Mr.H.S.Kaazi, learned Counsel for respondent No.1 at length.

2. By this Petition under Article 227 of the Constitution of India, original plaintiff has challenged the judgment and order dated 11/03/2015 passed by the learned 33rd Joint Civil Judge, Junior Division, Pune below Exhibit 58 in Regular Civil Suit No. 558 of 2012. By that order, the learned trial Judge rejected the application filed by the plaintiff under Order 6 Rule 17 of Code of Civil Procedure, 1908 (for short C.P.C) for amending the plaint.

3. After arguing the Petition for some time, Mr.Karande seeks permission to withdraw this Petition with liberty to file

application in the trial Court for withdrawal of the Suit with liberty to file a Suit on the same cause of action. Mr.Kaazi states that in case, the petitioner files such application, all the contentions of respondent No.1 including objection as regards maintainability of the application may be kept open.

4. In view thereof, on the motion made by Mr.Karande, Petition is allowed to be withdrawn with liberty as prayed for. All the contentions of the parties on merits including objection as regards maintainability of the proposed application are expressly kept open. Grant of liberty shall not be construed as expression of opinion on merits of the case either way.

(R. G. KETKAR, J.)