

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

WRIT PETITION NO. 5585 OF 2015

Ramlalak Brijmohan Singh

..Petitioner

Vs

1. Ramprasad Gunan Yadav and
Ors.

.. Respondents

Mr. A. A. Siddiqui, Advocate for the Petitioner.

CORAM : R.G.KETKAR,J.
DATE : 02/07/2015

PC:

1. Heard Mr. A.A.Siddiqui, learned counsel for the petitioner at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 7.4.2011 passed by the learned Judge, City Civil Court, Bombay in Chamber Summons No.472 of 2014 in Suit No.5695 of 2006. By that order, the learned trial Judge dismissed the Chamber Summons taken out by the petitioner-original defendant no.1 for allowing him to reconstruct the affidavit-in-reply dated 8.2.2006 filed in this Court and to treat the same as his Written Statement.
3. After arguing the Petition for quite sometime, Mr.Siddiqui seeks permission to withdraw this Petition with liberty to take out

appropriate proceedings for filing Written Statement. On the motion made by Mr. Siddiqui, Petition is allowed to be withdrawn with liberty as prayed for.

4. It is clarified that by granting liberty, I have not examined merits of the proposed proceedings. All contentions of the parties in that regard are kept open. Order accordingly.

(R.G.KETKAR, J.)