

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

WRIT PETITION NO. 7471 OF 2014

M/s.Dilshad Sultan Bohra

... Petitioner

v/s

Shri abbas Abdulhusain Kathawala & ors.

... Respondents

Mr.Khan Javed Akhtar for the petitioner.

Mr.R.K. Desai for the Resp. Nos.1 and 4.

CORAM: NITIN M. JAMDAR, J.

DATED : 23RD MARCH, 2015

P.C.:

The reason given in the impugned order dated 15 July 2014 by the Small Causes Court Judge, Mumbai, for not issuing the commission for examination of the witness of the petitioner is that the petitioner did not annexe the recent medical certificate to show that the said witness is unable to come to the Court to depose. The learned Judge also found that the medical certificate did not categorically state that the witness is unable to move and come to the Court to depose.

2. The learned counsel for the petitioner, after arguing the matter for some time, seeks leave to withdraw the petition. He stated that an application will be made annexing the latest medical

certificate showing that the witness is unable to come to the Court to depose.

3. The writ petition is accordingly disposed of as withdrawn with liberty as prayed.

(NITIN M. JAMDAR, J.)