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IN THE HIGH COURT OF JUDICATURE AT MUMBAI  
CIVIL APPELLATE JURISDICTION  
**WRIT PETITION NO. 8145 OF 2015**

Thakker Housing Pvt.Ltd .. Petitioner

Vs.

Mohammed Mainuddin Sirajuddin Kokani .. Respondent

Mr.Pradeep J.Thorat, Advocate for the Petitioner.

**CORAM : R. G. KETKAR, J.**  
**DATE : 14<sup>th</sup> AUGUST, 2015**

**P.C. :**

. Heard Mr.Pradeep J.Thorat, learned Counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, original plaintiff has challenged the judgment and order dated 03/08/2015 passed by the learned 6<sup>th</sup> Joint Civil Judge, Senior Division, Nashik below Exhibit 66 in Special Civil Suit No. 324 of 2010. By that order, the learned trial Judge rejected the application made by the plaintiff for sending agreement Exhibit 48 and vouchers Exhibits 49 to 51, 58 & 59 for the opinion of hand writing expert and calling his report regarding the signatures of the defendant on the aforesaid documents.

3. After arguing the Petition for quite some time, upon instructions, Mr.Thorat seeks permission to withdraw this Petition.

4. In view thereof, on the motion made by Mr.Thorat, Petition is allowed to be withdrawn. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

**(R. G. KETKAR, J.)**