

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

WRIT PETITION (STAMP) NO.24118 OF 2014

M/s. Shri. Harsh Developers

.. Petitioners

Versus

Nafis Akhtar Mohammed Moosa Khan and others

.. Respondents

Shri. A. M. Saraogi, for the Petitioners.

Shri. Q. M. Ashfaq, for the Respondent No.1.

Shri. D. P. Adarkar, for the Respondent Nos.3 & 4.

Shri. K. P. Mali, for the Respondent No.6.

Shri. V. P. Sawant, for the Respondent No.8.

CORAM : R.M. SAVANT, J.

DATE : 12th MARCH, 2015

PC.

The locus-standi of the Petitioners to file the above Petition challenging the impugned order dated 23rd June, 2014 is questioned. In the light of the fact that the Petitioner is not a party to the suit as originally filed, the said objection has substance. Upon this, the Learned Counsel appearing for the Petitioners seeks withdrawal of the above Petition to renew the challenge to the impugned order at a later point of time, after making an application for impleadment in the suit in question. Needless to say that if any such application is filed, the same would be considered by the Trial Court on its own merits and in accordance with

law uninfluenced by the impugned order. The Trial Court may do so expeditiously. The contentions of the parties in that respect are kept open. With the liberty as aforestated to challenge the impugned order at a later point of time contingent upon the decision that would be rendered on the application filed for impleadment, the above Petition is allowed to be withdrawn.

[R.M. SAVANT, J]