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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10244 OF 2014

Madhusudan Shrikrishna Agarwal .. Petitioner

Vs.

M/s. Tex-AGE and others .. Respondents

Mr.Nachiket D.Jaywant, Advocate for the Petitioner.

Mr.Rajendra Singh Saluja, Advocate for the Respondents No.1 to 4.

CORAM : R.G.KETKAR, J.
DATED : 19th NOVEMBER, 2015

P.C. :

. Heard Mr.Nachiket D.Jaywant, learned Counsel for the petitioner and Mr.Rajendra Singh Saluja, learned Counsel for the respondents No. 1 to 4.

2. By this Petition under Article 227 of the Constitution of India, original plaintiff has challenged the judgment and order dated 12/08/2014 passed by the learned Judge, City Civil Court, Greater Mumbai in Notice of Motion No.2085 of 2014 in S.C.Suit No. 8011 of 2002. By that order, the learned trial Judge rejected the Motion taken out by the plaintiff for permitting him to file written statement to the counter claim set up by the respondents-defendants.

3. Mr.Jaywant seeks permission to withdraw this Petition with liberty to file a fresh Notice of Motion for the same relief by

giving all the material particulars for explaining the delay of 6 years as affidavit-in-support of the Motion does not make out a sufficient cause for condoning the delay of 6 years.

4. On the motion made by Mr.Jaywant, Petition is allowed to be withdrawn with liberty as prayed for.

5. It is made clear that I have expressly kept all the contentions of the respondents No. 1 to 4 open.

(R.G.KETKAR, J.)