

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

WRIT PETITION NO. 11813 OF 2015

Ranjit Virk

..Petitioner

Vs

Dr.(Miss) Charulata Chaturbhai
Patel

.. Respondent

Mr.G.S.Godbole, Senior Advocate i/b Mr. Kunal Bhanage, Advocate
for Petitioner.

Ms. Minal Vijay Chavan, Advocate for Respondent.

CORAM : R.G.KETKAR,J.

DATE : 05/12/2015

PC:

1. Heard Mr. G.S.Godbole, learned senior counsel for the petitioner and Ms Minal Chavan, learned counsel for the respondent.

3. By this Petition under Article 227 of the Constitution of India, original defendant has challenged order dated 27.11.2015 by which the learned trial judge refused to register Draft Notice of Motion tendered by the defendant. The petitioner intended to tender Draft Notice of Motion for rejecting plaint in S.C.Suit No.9835 of 1987 or in the alternative for returning the plaint in that suit or in the alternative for framing preliminary issue of jurisdiction in regard to maintainability of the suit on the ground

that the claim in the suit exceeds pecuniary jurisdiction of City Civil Court.

2. After arguing the Petition for quite some time, Mr. Godbole, upon taking instructions, seeks permission to withdraw this petition. He states that the petitioner will take out application for recasting of issue/ framing issue of pecuniary jurisdiction.

3. On the motion made by Mr Godbole, Petition is allowed to be withdrawn. If the petitioner takes out application for recasting issue/adding issue of pecuniary jurisdiction, the same shall be dealt with in accordance with. All contentions of the parties in that regard are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)