

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6486/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Peter Cautinho for the petitioner
Mr. Swapnil Desai i/b. Mehul Shah for the respondent

CORAM : K. K. TATED, J.
DATE : JULY 12, 2016

P.C.:

1. Heard. By this petition, the plaintiff challenges the order dated 24.02.2014 passed by the Bombay City Civil Court, Mumbai in Chamber Summons No.910/2013 rejecting the application made by the plaintiff for carrying out appropriate amendment in the plaint.

2. The learned counsel for the plaintiff submits that by mistake, the plaintiff has not made proper prayer in the chamber summons. Hence, he may be permitted to withdraw the chamber summons No.910/2013 as well as the Writ Petition with liberty to file a fresh chamber summons for the same cause of action. To that effect, he made an endorsement on a farad. Same is taken on record and marked "X" for identification.

3. Hence, following order is passed:
 - a. Writ Petition stands dismissed as withdrawn.
 - b. Chamber Summons No.910/2013 stands dismissed as withdrawn.
 - c. Liberty granted to the petitioner plaintiff to file fresh Chamber Summons within two weeks from today for the same cause of action, which shall be decided on its own merits by giving opportunity to both the parties.

JUDGE