

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Writ Petition NO. 2969 OF 2016

MOHAMMED ISMAIL DAWOOD
SAHIB MULLA

...Petitioner

Versus

HINDUSTAN PETROLEUM CORPORATION LTD
AND ANR

...Respondents

....

Mr. Rajkumar Mishra a/w. Jyoti Devalekar-Joshte & Bhavana S. Kamble, for the Petitioner.

Mr. A.R. Metkari, AGP, for Respondent No.2.

....

CORAM : R. G. KETKAR, J.

DATE : 08th MARCH, 2016

P.C.

1. Heard Mr. Mishra, learned Counsel for the petitioner, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as 'plaintiff', has challenged the judgment and order dated 15.1.2016 passed by learned Civil Judge, Junior Division, Khalapur below Exhibit-1 in Regular Civil Suit No.25 of 2015. By that order, learned trial Judge rejected the application made by the plaintiff for setting aside order closing the plaintiff's evidence and allowing re-

examination of the plaintiff under Order XVIII Rule 17 of Code of Civil Procedure, 1908.

3. Mr. Mishra submitted that the plaintiff has filed affidavit of evidence and was cross-examined by the defendant's Advocate. During the course of cross-examination, the plaintiff's witness deposed that the suit is instituted by him as a power of attorney holder of Mohammad Ismail Dawood Sahib Mulla. It is further deposed that he had given instruction to Advocate to draft the suit as a power of attorney holder of said Mohammad Ismail Dawood Sahib Mulla. The witness has produced true copy of the power of attorney through Notary Public.

4. The only grievance of Mr. Mishra is that learned trial Judge did not mark Exhibit to this power of attorney. He, therefore, seeks permission to withdraw this Petition with liberty to file application for exhibiting that power of attorney in the trial Court. In view thereof, on the motion made by Mr. Mishra, the petition is allowed to be withdrawn with liberty as prayed for. Order accordingly.

(R. G. KETKAR, J.)