

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

WRIT PETITION NO. 3056 OF 2016

Basant Thawardas Totlani, since
deceased, through his heirs and
legal representatives:
1. Smt. Anita Basant Totlani and
Ors.

Petitioners

Vs

1. Shri Iqbal Rasul Thasarawala
and Ors.

.. Respondents

Mr. Nitin P. Dalvi, Advocate for Petitioners.

CORAM : R.G.KETKAR, J.
DATE : 17/03/2016

PC:

1. Heard Mr. Nitin Dalvi, learned counsel for the petitioners at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the Judgment and order dated 24.2.2015 passed by the learned 6th Jt. Civil Judge, Jr.Dn., Pune below Exhibit 144 in Regular Civil Suit No. 1487 of 1996. By that order, the learned trial Judge rejected the application made by legal representatives of defendant no.5 under Order XXII, Rule 4(3) read with Section 151 of C.P.C for setting aside order dated 7.4.2011 passed below Exhibit-139 and passing order of abatement of suit, qua defendants no. 4 and 5.
3. Mr. Dalvi seeks permission to withdraw the Petition. He further submits that all contentions of the petitioners in the suit

on merits may be kept open.

4. On the motion made by Mr. Dalvi, Petition is allowed to be withdrawn. All contentions of the petitioners in the suit on merits are kept open.

(R.G.KETKAR, J.)