

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4329 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Saurabh Oka, Advocate for Petitioners.

CORAM : R.G.KETKAR,J.

DATE : 12/04/2016

PC:

1. Heard Mr.Oka, learned Counsel for the petitioners.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment and order dated 5.4.2016 passed by the learned Civil Judge, Junior Division, Ulhasnagar below Exhibit-29 in R.C.S. No.75/2016. By that order, learned trial Judge rejected the application made by the petitioners/plaintiffs under Order 39 Rule 11(1) of Code of Civil Procedure, 1908 (for short, 'CPC') . Mr. Oka fairly submitted that as per the Bombay High Court Amendment to Order 43 Rule 1(r), an Appeal from Order is provided

against the order under Order 39 Rule 11 of CPC. He, therefore, seeks permission to withdraw the Petition with liberty to file Appeal from Order. On the motion made by Mr.Oka, petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case.

(R.G.KETKAR, J.)