

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6136 OF 2015**

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.Sandesh D. Patil, Advocate for
Petitioner.

CORAM : R. G. KETKAR, J.
DATE : 07/12/2016

P.C.:

1. Heard Mr.Sandesh Patil, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as the 'plaintiff', has challenged the judgment and order dated 8.4.2015 passed by the learned 3rd Jt. Civil Judge, Senior Division, Thane below Exhibit-29 in Special Civil Suit No.293/2014. By that order, the learned trial Judge allowed the application made by the owners of building Nos.10, 11, 12 and 13 of Vijay Park Co-operative Housing Society Ltd. and directed the plaintiff to add them as

defendants. Mr. Patil has tendered a communication dated 17.6.2016 instructing him to withdraw the petition. Same is taken on record and marked 'X' for identification. He further submits that liberty may be reserved to the petitioner to challenge the impugned order in case the suit is decided against the petitioner.

3. In view thereof, on the motion made by Mr.Patil, the Petition is allowed to be withdrawn and is dismissed as withdrawn.

4. It is made clear that where a decree is challenged by the petitioner, any error, defect or irregularity in impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of the proposed proceedings as contended by section 105(1) of C.P.C.

(R. G. KETKAR, J.)