

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 232 OF 2016**

M/s Masa Group Builders and ..Applicants
Developers through its partner
Mr. Salman A Dolare and Anr.

Vs

Mr. Mumbarz Musafir Khan and .. Respondents
Anr.

Mr. Kishor S. Patil, Advocate for Applicants.

**CORAM : R.G.KETKAR,J.
DATE : 22/04/2016**

PC:

1. Heard Mr. Kishor Patil, learned counsel for the applicants at length.
2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the applicants have challenged the Judgment and order dated 6.4.2016 passed by the learned Jt. Civil Judge, Jr. Dn., Kalyan below Exh.17 in R.C.S. No.626 of 2015. By that order, the learned trial Judge rejected the application made by defendants no.2 and 3 under Order VI, Rule 11(a) and (d) of C.P.C.
3. After arguing the application for quite some time, upon taking instructions from Mr. Salman Dolare, partner of applicant no.1 who is present in the court, Mr. Patil seeks permission to withdraw this application with liberty to file fresh application

under Order VI, Rule 11. He submits that if such application is made, the learned trial Judge may be directed to dispose of the said application uninfluenced by the observations made in the impugned order.

3. In view thereof, on the motion made by Mr. Patil, Application is allowed to be withdrawn with liberty as prayed for. All contentions of the plaintiffs are expressly kept open. Learned trial Judge will decide the fresh application uninfluenced by the observations made in the impugned order. Order accordingly.

(R.G.KETKAR, J.)