

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6146 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.Chandrakant N. Chavan a/w. Anand Nayak & Manoj Mane, Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 09/06/2016

P.C.:

1. Not on board. At the request of Mr.Chavan taken up for admission.

2. Heard Mr.Chavan, learned Counsel for the petitioner. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 29.10.2015 passed by the Appellate Bench of Small Causes Court at Mumbai below Exhibit-6 in Appeal No.495/2014. By that order, the appellate Court allowed the application made by the respondent, hereinafter referred to as 'plaintiff, for amending the plaint by amending

name of original defendant No.1 as Jagdishkumar Ottermal Jain in place of Jagdishkumar Amirchand Jain.

3. After arguing the petition for quite sometime, Mr.Chavan upon taking instructions from Advocate Mr.Anand Nayak seeks permission to withdraw the Petition. On the motion made by Mr.Chavan, Petition is allowed to be withdrawn and is dismissed as withdrawn.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 Civil Procedure Code.

(R.G.KETKAR, J.)