

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9402 OF 2016**

Shivaji Park Consumer Co-
operative Society Ltd

..Petitioner.

Vs

Dr.Chandrakant K. Jagaonkar

.. Respondent

Mr. J.S.Kini i/b Mr. Suresh Dubey, Advocate for Petitioner.

Mr. N.V.Walawalkar, Senior Advocate a/w Mr. Vikram N.
Walawalkar i/b Mr. Gajanan Shinde, Advocates for Respondent.

**CORAM : R.G.KETKAR,J.
DATE : 10/08/2016**

PC:

1. Heard Mr.J.S.Kini, learned counsel for the petitioner and Mr. N.V.Walawalkar, learned senior counsel for the respondent at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 3.8.2016 passed by the learned Judge, presiding over Court Room no.23 of the Court of Small Causes Mumbai below Exhibit-8 in R.A.D. Suit No. 1035 of 2016. Leave to annex that order is granted. Amendment shall be carried out by 11.8.2016.
3. After arguing the petition for quite sometime, Mr. Kini seeks permission to withdraw this petition with liberty to file review petition seeking review of order dated 12.4.2016 passed by this

Court (Coram: S.C.Gupte, J.) in Writ Petition (L) No. 2124 of 2015 on the ground that the petitioner claims to have been inducted in the premises in dispute on tenancy basis prior to order of allotment dated 5.1.1959 passed by the State Government.

4. On the motion made by Mr. Kini, Petition is allowed to be withdrawn with liberty as prayed. It is made clear that I have not expressed any opinion on merits of the case as also of the proposed proceedings. All contentions of the parties on merits are expressly kept open.

(R.G.KETKAR, J.)