

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6477 OF 2015**

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

CORAM : R. G. KETKAR, J.

DATE : 15/11/2016

P.C.:

1. Heard Mr.Avhad, learned counsel for the petitioners. By this Petition under Article 227 of the Constitution of India, the petitioners, hereinafter referred to as 'defendants No.2 & 6', have challenged the judgment and order dated 16.6.2010 passed by the learned trial Judge below Exhibit-56 in Special Civil Suit No.93/2006. By that order, the learned trial Judge rejected the application made by defendants No.2 & 6 for setting aside 'No WS' order and seeking permission to file written statement.

2. During the course of hearing, it was indicated to Mr.Avhad that the application Exhibit-56 is bereft of particulars and therefore, no case is made out for interfering with the

impugned order. It was also suggested to Mr.Avhad that in case defendants No.2 & 6 withdraw this Petition with liberty to file fresh application giving all necessary details, all the contentions of the respondent/plaintiff including objection as regards maintainability of proposed application will be kept open.

3. In view of this suggestion, after arguing the Petition for quite some time, Mr. Avhad seeks permission to withdraw the Petition with liberty to file fresh application for setting aside 'No WS' order. On the motion made by Mr.Avhad, Petition is allowed to be withdrawn with liberty as prayed for. All contentions of the respondent/plaintiff, including the objection as regards maintainability of such application, are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)