

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10487 OF 2015

(M/s. Oasis Shipping & Travel Agent & Ors. Vs. M/s. Raj Traders thru Prop. Tushar M. Mehta)

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. Yogeshwar S. Bhate for Petitioners.

CORAM : R. G. KETKAR, J.**DATE : 12TH APRIL, 2016****P.C.:**

Not on Board. At the request of Mr. Bhate, learned Counsel for petitioners, taken up for admission.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 27.07.2015 passed by the learned Judge presiding over Court Room No.3 of the Bombay City Civil Court at Greater Bombay in Miscellaneous Application No.57 of 2014 in Suit No.4438 of 2012. By that order, the learned trial Judge rejected the application made by the petitioner-defendant under Order IX, Rule 13 of C.P.C. for setting aside ex-parte decree dated 11.02.2014, which was modified on 29.03.2014.

3. Mr. Bhate fairly stated that order rejecting application under Order IX, Rule 13 of C.P.C. is

appealable under Order XLIII, Rule 1(d) of C.P.C. He, therefore, seeks permission to withdraw this Petition with liberty to file Appeal from Order.

4. In view thereof, on the motion made by Mr. Bhate, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case. Order accordingly.

(R. G. KETKAR, J.)

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