

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12770 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr.S.M. Oka a/w. Sagar A. Joshi, Advocate for the petitioners.	
CORAM : R. G. KETKAR, J.	
DATE : 22/11/2016	

P.C.:

1. Heard Mr.S.M. Oka, learned Counsel for the petitioners. This Petition is directed against the order dated 29.9.2016 passed by the learned 3rd Jt. Civil Judge, Senior Division, Thane rejecting the application at Exhibit-134 made by the petitioners herein under Order VI Rule 17 read with Section 151 of Code of Civil Procedure, 1908.
2. Mr. Oka seeks permission to withdraw that application with liberty to file fresh application giving necessary details.
3. In view thereof on the motion made by Mr.Oka, application Exhibit-134 is allowed to be withdrawn with liberty as prayed for. Writ Petition is disposed of accordingly. Mr.Oka assures that within one week from today, the

plaintiff will file fresh application. Grant of liberty shall not construed as an expression of opinion on merits of the case either way. All contentions of the respondents/defendants including maintainability of such an application are kept open. The learned trial Judge will pass appropriate order on the fresh application in accordance with law. All contentions on merits are kept open. Order accordingly.

(R. G. KETKAR, J.)