

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO. 10468 OF 2014**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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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None for the Petitioner.

Dr. Suneet Gupta for the Respondent Nos. 1, 6 & 7.

Mr. Vijay Kumar Agarwal for respondent no.2.

Ms. Supriya Ghatage i/b Kamlesh Ghumare for respondent nos. 3 to 5.

**CORAM : K. K. TATED, J.**

**DATED : 27/06/2016**

**PC.:**

. Heard learned Counsel for the parties.

2 By this petition under Article 227 of the Constitution of India the third party challenges the order dated 29.10.2013 passed by Joint Civil Judge, Senior Division, Panvel at Panvel below Exh. 146 in Special Civil Suit No. 88 of 2009 rejecting the petitioner's application for joining them as a defendant in suit.

3 The learned counsel for the respondent No.2 original plaintiff submits that he received instructions from his client that they may be allowed to withdraw the Special Civil Suit No. 88 of 2009 pending in the Court of Civil Judge, Senior Division, Panvel at Panvel. To that effect, the learned counsel

for the respondent no.2 original plaintiff filed praecipe dated 27.06.2016 duly signed by both the partners of original plaintiff i.e. Mr. Sanjay Shelke and Mr. Sunil Kagade. He submits that both the partners are present in the court. Both the partners admit their signature on the praecipe. The said praecipe is taken on record and marked "X" for its identification.

4 Hence, following order is passed:

a) Respondent no.2 plaintiff permitted to withdraw their Special Civil Suit No. 88 of 2009 pending in the Court of Civil Judge, Senior Division, Panvel. Same is stands dismissed as withdrawn.

b) Plaintiff is entitled to refund of court fees according to law.

c) Writ Petition stands dismissed as infructuous.

d) The respondent no.2 is directed to place the copy of this order before the Trial Court for making appropriate endorsement on the suit within four weeks.

**(K.K.TATED, J.)**