

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13182 OF 2016**

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.S.M.Shettigar, Advocate for Petitioner.

Ms. Aparna Shinde, Advocate for Respondent No.20.

CORAM: R.G.KETKAR, J.

DATE : 28/11/2016

PC:

1. Not on Board. At the request of Mr.Shettigar, taken up for admission. Heard Mr. Shettigar, learned counsel for the petitioner and Ms. Aparna Shinde, learned counsel for respondent no.20.

2. By this Petition, the petitioner has challenged the Judgment and order dated 19.8.2014 passed by the learned Civil Judge, Senior Division, Panvel below Exhibit-34 in Spl. Civil Suit No. 186 of 2016. By that order, the learned trial Judge allowed the application made by respondent no.20/defendant no.20 under Order VII, Rule 11 of C.P.C and rejected

the plaint.

3. In view of Section 2(2) of C.P.C, rejection of plaint amounts to a decree. Mr. Shettigar, therefore, seeks permission to withdraw this petition with liberty to file substantive appeal under section 96 of C.P.C.

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 On the motion made by Mr Shettigar, Petition is allowed to be withdrawn with liberty as prayed for.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

5. Office to return certified copy to Advocate for the petitioner.

(R.G.KETKAR, J.)