

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.482 OF 2016

M/s. K. P. P. S. Engineering and others ... Petitioners
Vs.
All Metal India Private Limited through its
Director Ashok Amichand Jain ... Respondent

Mr. Jayesh B. Kocheta for Petitioners.
Ms Manjiri Parasnis for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 29TH FEBRUARY 2016

P.C. :

Heard Mr. Kocheta, learned Counsel for petitioners and Ms Parasnis, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners, hereinafter referred to as defendants No.1 to 4, have challenged the judgment and order dated 02.11.2015 passed by the learned 9th Joint Civil Judge, Senior Division, Pune below exhibit-25 in Special Summary Suit No.123 of 2013. By that order, the learned trial Judge granted leave to defend to defendants No.1 to 4 on condition of their depositing amount of Rs.18,00,000/- in the Court within one month along with their written statement from the date of the order.

3. After arguing the Petition for quite some time, Mr. Kocheta, upon taking instructions from petitioner No.2 Vishal P. Pungaliya - partner of petitioner No.1, who is present in the Court, seeks permission to withdraw the Petition with liberty to file review petition. He has tendered a photocopy of the election card of Mr. Vishal Pungaliya, which is taken on record and marked 'X' for identification.

4. In view thereof, on the motion made by Mr. Kocheta, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merit. All the contentions of the respondent on merits, including objection as regards maintainability of proposed proceedings, are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

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