

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No. 495 OF 2016

Govind Babu Rao & Ors.	...	Petitioners
Vs.		
The Municipal Corporation of Gr. Mumbai & Ors.	...	Respondents

Mr. Omkar Kulkarni i/b Hassan Ullah Khan, for the Petitioners.
Ms. Shobha Ajit Kumar, for the Respondent - BMC.
Mr. Rajeev Narula i/b Jhangiani Narulla & Associates, for Respondent
No. 6.

CORAM : V. M. KANADE, &
B. P. COLABAWALLA, JJ.

DATE : MARCH 14, 2016

PC.

1. Learned counsel appearing on behalf of the Petitioners, on instructions, seeks leave to withdraw the petition with liberty to file a suit in the civil court. The learned counsel appearing on behalf of Respondent No. 6, however, submits that Petitioners had already filed a suit, and therefore, liberty may not be granted.

2. In our view, since the Petitioners want to withdraw the

petition and take a chance by filing a suit, it will be appropriate to allow them to withdraw the petition with liberty as prayed, subject to the objection regarding maintainability, which will be decided on merits and in accordance with law, by the civil court. All contentions raised by both the parties in this petition are kept open.

. Writ petition is disposed of in the aforesaid terms.

Sd/-

[B. P. COLABAWALLA, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath