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THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1795 OF 2009

Aditya H. Shah & Anr. ...Petitioners
vs.
Anil G. Shah & Ors. ...Respondents

Mr.Bipin Vora for the Petitioners
Mr.Anil Shah the respondent No.1 in person
Mr.P.J.Thorat for the respondent No.6.
Ms Shobha Ajitkumar for the respondent Nos.3 and 4.
Ms Neha Bhide, AGP for the respondent No.8.

CORAM : A.S.OKA, &
C.V.BHADANG,JJ.
DATE : JANUARY 20, 2016

P.C.:

1 The learned counsel for the petitioners has tendered across the bar the affidavit of the first petitioner dated 16th January 2016. The affidavit is taken on record and marked 'B-1' for identification. In the paragraph 1 thereof, it is stated that the affidavit is filed for himself and on behalf of the second petitioner. In the paragraph 5, it is stated that the petitioners want to withdraw this writ petition unconditionally with liberty to file appropriate legal proceedings in future. Paragraph 6 of the said affidavit reads thus:

"6 I therefore petitioners humble pray that the reasons mention above is to be accepted and Hon'ble Court allow to withdraw present Writ Petition unconditionally and without any

cost."

2 The learned counsel for the petitioners now on instructions states that the petitioners want to withdraw this petition unconditionally and they are not seeking any liberty. We accept the said statement. The first respondent has something to say about the averments made in the affidavit. Suffice it to say that we have made no adjudication on the correctness of the factual statements made in the said affidavit and all contentions of the parties in that behalf are kept open.

3 The learned counsel for the respondent Nos.2 and 7 invited our attention to the copy of the letter dated 18th January 2016 addressed by the respondent No.1 to him as well as to the Advocate for the petitioners. Suffice it to observe that there was no reason for the respondent No.1 to make personal allegations against the learned counsel about the concealment of facts.

4 Accordingly, writ petition is dismissed as unconditionally withdrawn. As a consequence of disposal of the writ petition, pending Notice of Motion and Chamber Summons do not survive and the same stand disposed of.

5 There are two typographical errors in the cause title of the order dated 11th January 2016. The year of the writ petition shall be read as 2009 instead of 2012. The name of the petitioners shall be

corrected as `Aditya H. Shah and another' instead of Adity H. Shah & Anr. Corrections shall be carried out to the original order as well as the order uploaded on server.

(C.V.BHADANG,J.)

(A.S.OKA,J.)