

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1484 OF 2017

M/s Vaibhav Development Corp

..Petitioner.

Vs

1. Siddharth Tower CHS Ltd and
Ors.

.. Respondents

Mr.Pramod Bhosale a/w Mr. Prashant Chavan, Advocate for
Petitioner.

Mr. Yogesh Yagnik, Advocate for Respondent no.1.

**CORAM : R.G.KETKAR,J.
DATE : 14/02/2017**

PC:

1. Heard Mr. Pramod Bhosale, learned counsel for the petitioner and Mr.Yogesh Yagnik, learned counsel for the respondent no.1 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as defendant no.1, has challenged the Judgment and order dated 23.11.2016 passed by the learned Adhoc Judge, City Civil Court, Borivali Division, Dindoshi in Notice of Motion no.2987 of 2016 in S.C. Suit No.475 of 2012. By that order, the learned trial Judge dismissed the Motion taken out by defendant no.1 for setting aside order dated 26.9.2016 and for granting permission to defendant no.1 to file additional evidence.

3. After arguing the matter for sometime, the petitioner, on instructions, seeks permission to withdraw this Petition and states

that defendant no.1 will examine another witness to substantiate the evidence contained in the additional affidavit of defendant no.1.

4. In view thereof, on the motion made by Mr.Bhosale, Petition is allowed to be withdrawn and is dismissed as withdrawn, with liberty as prayed for. Order accordingly.

(R.G.KETKAR, J.)