

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2799 OF 2017**

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.Balkrishna K. Raje, Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 06/03/2017

P.C.:

1. Heard Mr.Balkrishna Raje, learned Counsel for the petitioner.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 16.2.2017 passed by the learned Judge, City Civil Court, Mumbai in Chamber Summons No.172/2017 in L.C. Suit No.944/2011. By that order, the learned trial Judge dismissed the Chamber Summons taken out by the petitioner/plaintiff for impleading Go. Shirmalitiji Vahuji Shri Goverdhaneshji Maharaj through heirs as party defendant No.2.

3. After arguing the petition for quite some time and upon taking instruction from the petitioner, Mr.Raje seeks permission to withdraw this Petition. On the motion made by Mr.Raje, Petition is allowed to be withdrawn and is dismissed as withdrawn. Order accordingly.

4. It is made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contended by section 105(1) of C.P.C.

(R. G. KETKAR, J.)