

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

WRIT PETITION No. 9214 OF 2017

Krishna Murari Mathur

...Petitioner

Vs.

Moiz Abdul Hussein Pardiwala and Ors.

...Respondents

Mr. Vaibhav A. Sugdare i/b. Thakordas Madgavkar for the Petitioner

Mr. H. Devarajan a/w. Mr. R.M. Aiya for Respondent No.1

CORAM : M.S. SANKLECHA, J.
TUESDAY, 11th AUGUST, 2017

P.C.

1. This petition challenges the order dated 21st July, 2017 passed by the City Civil Court at Mumbai. The impugned order allowed the Respondent to amend its plaint.

2. This petition is filed under Article 226 of the Constitution of India with a prayer for certiorari. However, Larger Bench of the Supreme Court in **Radhey Shyam & Anr. Vs. Chhabi Math & Ors. reported in 2015 (5) SCC 423** has held that judicial orders of Civil Courts are not amenable to

writ of certiorari under Article 226 of the Constitution of India.

3. In the above view, Mr. Sugdare, learned counsel for the Petitioner seeks to withdraw the present petition with liberty to file a writ petition under Article 227 of the Constitution of India. Liberty granted.

4. Petition is disposed of as withdrawn with liberty as prayed.

[M. S. SANKLECHA, J.]