

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1442 OF 2017
IN
APPEAL NO. 536 OF 2016**

Shirish Popatlal Shah & Anr

..Applicants

Vs.

Arun Popatlal Shah

..Respondent

Mr. Ajay Panicker i/b Ajay Law Associates for the Applicants

Mr. Rajiv Narula i/b Jhangir Narula and Associates for the Respondent

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 16th NOVEMBER, 2017**

P.C.

1 The Learned Counsel appearing for the Applicants Mr. Panicker in view of the objection raised on behalf of the Respondent No.1 as regards the maintainability of the Notice of Motion in this Court, seeks withdrawal of the above Notice of Motion to file an application in the Suit in question being Suit No.901 of 2012 for the relief sought in the above Notice of Motion. The Notice of Motion is accordingly allowed to be withdrawn and dismissed as such.

2 Needless to state that if any application is filed, the same would be considered on its own merits and in accordance with law.

3 All contentions on merits are kept open for being urged before the concerned Court.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]