

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12276 OF 2017

MANOJ ACHYUT KULKARNI AND OTHERS
VERSUS
MANOJ SAINATH EKHANDE AND OTHERS

...

Advocate for Petitioners : Mr. Patil Milind M. (Beedkar)

Advocate for Respondents : Mr. A.S. Usmanpurkar

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CORAM : V. K. JADHAV, J.
DATED : 7th FEBRUARY, 2018

PER COURT:-

1. Learned counsel for the petitioners submits that the petitioners herein are not Directors of the company viz. Ashoka Buildcon and even then, the respondents-original plaintiffs by filing application Exh.29 sought to be added the petitioners as party defendants to the pending suit only on the ground that they are directors of the company. Learned counsel submits that the respondents-plaintiffs have not placed on record the supporting documents alongwith application Exh.29 and only on the basis of submissions made in the said application the trial court has allowed the application Exh.29.

2. After hearing learned counsel for the petitioners to some extent, learned counsel for the petitioners, on instructions, seeks leave to withdraw this writ petition with liberty to file an application under Order I Rule 10 of C.P.C. for deletion of names of petitioners

from the array of defendants on the grounds as raised in this petition and the trial court may also be directed to decide the said application at the earliest without insisting the petitioners to file their written statement on record.

3. In view of above, leave granted. Writ petition is disposed of as withdrawn. The petitioners are at liberty to file an application under Order I Rule 10 of C.P.C. for deletion of their names on the grounds as raised in this writ petition and if such application is filed the trial court shall decide the said application at the earliest, without insisting the petitioners to file their written statement on record.

4. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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