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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7077 OF 2018**

Surayya Sayed Kelawalla

.....Petitioner

V/s.

Kishore Ramchandra Thopte and others

.....Respondents

Mr. R. C. Barge for the petitioner

CORAM : NITIN W. SAMBRE, J.**DATE : JULY 11, 2018.****P.C.**

Since this Court is of the opinion that the petitioner can approach the same Court under the provisions of Order IX Rule 4 of the Code of Civil Procedure, the learned counsel for the petitioner, upon instructions, makes a motion for withdrawal of the petition with liberty to take such steps for setting aside the order of dismissal of suit pursuant to provisions of Rule 3 of Order IX.

2 Petitioner comes out with an assurance before the learned

Court Below that he shall forthwith start adducing his evidence, the Court Below is expected to deal with the prayer of the petitioner for restoration, in accordance with law, keeping in mind the aforesaid assurance.

3 With above observation, petition stands disposed of.

[NITIN W. SAMBRE, J.]