

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 1880 OF 2018

Shyam Rajkishore Singh

...Petitioner

Versus

M/s. Ish Homes Private Limited

...Respondent

....

Ms. Deepti Panda i/b. S.B. Legal for the Petitioner.

Mr. Javed Khan Akhtar, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 26th JULY, 2018

P.C.

1. Not on board. At the request of Ms. Panda taken up for admission.

2. Heard Ms. Deepti Panda, learned counsel for the petitioner and Mr. Javed Khan Akhtar, learned counsel for the respondent, at length.

3. By this Petition under Article 227 of the Constitution of India, the petitioner, hereinafter referred to as the 'defendant', has challenged the judgment and order dated 6.7.2017 passed by the learned Judge, Court Room No.7 of the Small Causes Court at Mumbai in Exhibit-44 in R.A.E. Suit No.579/915 of 2007. By that order, the learned trial Judge

rejected the application Exhibit-44 made by defendant No.2 under Order VI Rule 17 of Code of Civil Procedure, 1908 (for short, 'C.P.C.') for carrying out amendment in his additional written statement dated 8.10.2013 as per the schedule annexed with the application.

4. After arguing the Petition for quite some time, on instructions from the petitioner who is present in the Court today, Ms.Panda seeks permission to withdraw the Petition. She has tendered a photo-copy of petitioner's PAN card, which is taken on record and marked 'X' for identification.

5. In view thereof, on the motion made by Ms. Panda, Petition is allowed to be withdrawn and is dismissed as withdrawn.

6. 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 contemplated by Section 105(1) of C.P.C.

Pradipkumar
Prakashrao
Deshmane
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by Pradipkumar
Prakashrao
Deshmane
Date: 2018.07.27
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(R. G. KETKAR, J.)

Deshmane (PS)