

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7148 OF 2018**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. Amruta Manchanda i/b. Nilesh D. Patil,
Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 06/07/2018

P.C.:

1. Not on board. At the request of Ms.Manchanda taken up for admission.
2. Heard Ms.Manchanda, learned Counsel for the petitioner.
3. By this Petition under Article 227 of the Constitution of India, 1950 the petitioner has challenged the judgment and decree dated 24.1.2018 passed by the learned 6th Jt. Civil Judge, Junior Division, Kalyan in R.C.S. No.277/2017. By that order, the learned trial Judge decreed the suit against the petitioner/defendant and directed the defendant to vacate the suit premises i.e. Gala No.21, admeasuring 24' x 11' sq. ft. situate on the ground floor, bearing Municipal Lane No.0 house No.1419 (Grampanchayat old house No.20) property No.D07007885300, Netivali Kalyan (E) situate on Survey No.41A/1, CTS No.240 to 248 and hand over

peaceful and vacant possession to the plaintiff within one month from the date of the order.

4. After arguing the Petition for quite some time, Ms. Manchanda seeks permission to withdraw the Petition with liberty to file substantiate appeal before the District Court.

5. In view thereof on the motion made by Ms. Manchanda, the Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case. All contentions of the parties are expressly kept open. The time spent by the petitioner in prosecuting this Petition from 25.6.2018 till date shall be excluded while considering the question of condonation of delay if any in filing the appeal. Order accordingly.

(R. G. KETKAR, J.)