

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7652 OF 2018

Mr. Shantilal Dalichand Chandan

...Petitioner

Versus

Mukhtar Umar Ghojaria
and another

...Respondents

....

Mr. Ranjit Thorat i/b. Bharat Joshi, Advocate for the Petitioner.

Mr. Vaibhav Mehta i/b. J.S. Shukla i/b. Vaibhav Mehta & Asso. for
Respondent No.1.

Ms. Nazia Shaikh i/b P.J. Thorat, Advocate for Respondent No.2.

Mr. Jitendra Shantilal Chanda, son of the petitioner is present in person.

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CORAM : R. G. KETKAR, J.

DATE : 28th AUGUST, 2018

P.C.

1. Heard Mr.Ranjit Thorat, learned Senior Counsel for the petitioner, Mr. Vaibhav Mehta, learned Counsel for respondent No.1 and Ms. Nazia Shaikh, learned Counsel for respondent No.2, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 5.5.2018 passed by the Appellate Bench of the Small Causes Court at Mumbai below Exhibit-33 in 2a Appeal No.448/2005. By that order, the Appellate Court allowed application Exhibit-33 filed by respondent No.1 for impleading the petitioner herein in the appeal.

3. After arguing the petition for quite some time, Mr. Thorat, upon taking instructions from Mr. Jitendra Shantilal Chanda son of the petitioner who is present in the Court today, seeks permission to withdraw the Petition. Mr. Thorat has tendered a photo-copy of his driving licence which is taken on record and marked 'A' for identification.

4. In view thereof, on the motion made by Mr. Thorat, the Petition is allowed to be withdrawn and is dismissed as withdrawn.

5. 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.

(R. G. KETKAR, J.)

Deshmane (PS)

Pradipkumar
Prakashrao
Deshmane
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by Pradipkumar
Prakashrao
Deshmane
Date: 2018.08.30
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