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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9159 OF 2017
IN
CHAMBER SUMMONS NO. 334 OF 2017
IN
SUIT NO. 3048 OF 2014

Mr Ankush Arjun Pange & Ors. ...Petitioners.
vs
Mr Ravi Ankush Pange & Anr. ...Respondents

.....
Ms Priyal Salgaonkar a/w Mr P.A.Sarwankar for the Petitioners.
Mr Kalpesh Joshi a/w Vaibhavi Parchake I/b Kalpesh Joshi
Associates for Responden No.1.

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**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 26, 2018.**

P.C. :

After this petition was argued for some time, learned advocate appearing on behalf of the petitioners sought leave to withdraw this Writ Petition and contended that the issues raised herein may be left open to be agitated by the Petitioners if the decree, and if adverse to him, is challenged by the Petitioners before the Appeal Court. This submission is made on the basis of Section 105 of the Code of Civil Procedure, 1908. Learned advocate also submitted that it is the case of the Petitioners that the cause of action is barred by the Law of Limitation. He submitted that merely because the amendment is allowed it should not be presumed that the point of limitation has been given up by the Petitioner. He submitted that by keeping all these points open, he is willing to withdraw the Writ Petition.

2 In view of the statement made by the learned advocate for the Petitioners, the Writ Petition is dismissed as withdrawn with liberty as prayed. No order as to costs. As far as the limitation issue is concerned, it is made clear that the same shall be decided by the Trial Court on merits and in accordance with law.

(B.P.COLABAWALLA, J.)