

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**WRIT PETITION NO.12825 OF 2017**

|                                  |   |             |
|----------------------------------|---|-------------|
| B.L. Sen (now deceased through   | ] |             |
| legal representative)            | ] |             |
| Gayatri Sen                      | ] | Petitioner  |
| Vs.                              |   |             |
| Tukaram Ramkrishna Prabhu & Ors. | ] | Respondents |

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Mr. Atharv Dandekar i/b Sumit S. Kothari, for Petitioner.  
 Mr. D.M. Vyas a/w Durgesh Kulkarni i/bLex Firmus, for respondents  
 No.1 to 6.

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**CORAM : R.G. KETKAR, J.**

**DATE : 12TH MARCH, 2018.**

**P.C.**

Heard Mr. Dandekar, learned Counsel for the petitioner  
 and Mr. Vyas, learned Counsel for respondents No.1 to 6.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 19th November, 2015 passed below Exhibit 29 in R.A.E. Suit No. 581/1113 of 1998 as also the judgment and order dated 27th September, 2017 passed by the Appellate Court in Misc. Appeal No.68 of 2016.

3. By these orders, the Courts below rejected the application below Exhibit 29 taken out by defendant No.1 for setting aside orders;

- [1] dated 30th April, 2013 passed in Interim Notice No.1081 of 2000;
- [2] Interim Notice No. 4602 of 2002 and
- [3] Misc. Notice No. 538 of 2005.

4. Mr. Dandekar states that the petitioner Gayatri Sen is present in the Court. He has tendered photo copy of Adhaar Card of the petitioner which is taken on record and marked 'A' for identification. He has also tendered Affidavit dated 10th March, 2018 made by her recording therein that she wishes to withdraw the Petition unconditionally.

5. Mr. Vyas states that he has no objection for withdrawal of the Petition.

6. In view thereof, on the motion made by Mr. Dandekar Petition is allowed to be drawn and is dismissed as withdrawn. Liberty to apply to the trial Court for expeditious disposal of the suit. Order accordingly.

**[R.G. KETKAR, J.]**