

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12177 OF 2018

Mrs. Freny D. Pader
(since deceased through Legal Heirs) ...Petitioner
vs.
Mohammed Mushtaq Ali Laljee and Others ...Respondents

Mr. Rajesh Singh i/b. Ms. Nidhi Singh, for the Petitioner
Mr. Pradeep Thorat, for the Respondents

CORAM : M. S. SONAK, J.

DATE : NOVEMBER 19, 2018

P.C.:

. After the matter was argued for some time, the learned counsel for the Petitioner seeks leave to withdraw this Petition with liberty to challenge the impugned order dated 5th October, 2018 by way of Appeal, in case the suit for eviction instituted against the Petitioner is decreed by the trial Court.

2. Mr. Singh further submits that liberty may be granted to the Petitioner to raise all objections on merits and all contentions in this regard may also be kept open.

3. In case, the eviction suit is indeed decided against the Petitioner and the Petitioner, choses to Appeal such decision, undoubtedly, the Petitioner will have the right to challenge the order dated 5th October, 2018 in such Appeal. Therefore, there is

no difficulty to accede to the request of the learned counsel for the Petitioner with regard to liberty in this regard.

4. That apart, the Petitioner will always have the liberty to raise all permissible defenses on merits, now that the Respondents has granted leave to amend the Complaint.

5. Therefore, with liberties as aforesaid and leaving all contentions open, leave is granted to withdraw this Petition.

6. The Petition is disposed of in the aforesaid terms.

7. There shall be no order as to costs.

(M. S. SONAK, J.)