

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

WRIT PETITION NO. 9623 OF 2016

Mohammad Ibrahim Shaikh
(Since deceased) Through LRs. & Ors. ... Petitioners
V/s.
Vitthal Balwant Jamadade
(Since deceased) Through LRs. & Ors. ... Respondents

- Mr.Sachin Dhakephalkar for the Petitioners.
- Mr.S.R. Nargolkar i/b. Mr.Swapnil S. Mohite for Respondent No.1-B.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.
DATE : 29th JANUARY, 2018.**

P.C. :

1] Learned counsel for the Petitioners fairly concedes that as the suit is of the year 2002, and the order of interim injunction is operating since the year 2004, he may be permitted to withdraw the Writ Petition with liberty to apply for amendment in the plaint to seek the relief of possession as the suit is simpliciter for injunction.

2] Learned counsel for Respondent No.1B submits that he may also be given an opportunity to resist the said application for amendment, if filed.

3] Writ Petition accordingly stands disposed of as withdrawn with liberty as sought by learned counsels for the Petitioners and the Respondents.

4] All the points and contentions between the parties are expressly kept open.

[DR.SHALINI PHANSALKAR-JOSHI, J.]