

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2710 OF 2019

Mahadev Master Pratisthan Mandal ... Petitioner
Vs.
Byramjee Jeejeebhoy Pvt. Ltd. and another ... Respondents

Mr. Vijay Patil i/b Mr. Saurabh S. Kurade for Petitioner.
Ms Zenobia Irani / Nair i/b. Mr. Jal F. Daruwalla for Respondent No.1.
Mr. Akshay P. Jadhav for Respondent No.2.

CORAM : R. G. KETKAR, J.
DATE : MARCH 8, 2019

P.C. :

Heard Mr Patil, learned Counsel for the petitioner, Ms Irani, learned Counsel for the respondent No.1 and Mr. Jadhav, learned Counsel for the respondent No.2 at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 30.06.2015 passed by the learned trial Judge below exhibit-126 in Obstructionist Notice No.48 of 2007 as also the order dated 06.10.2018 passed by the Appellate Bench of the Small Causes Court in Revision Application No.303 of 2015. By these orders, the Courts below dismissed the application made by obstructionist No.65(a), (b) and (c) below exhibit-126 for joining them as party in Obstructionist Notice No.48 of 2007.

3. The Petition was heard at length on 07.03.2019 and was kept today for passing orders. Mr. Patil submits that Mr. Gopal N. Mohite, President of Petitioner - Mahadev Master Pratisthan Mandal is present in the Court. He has tendered photocopy of his Aadhar Card, which is taken on record and marked 'X' for identification. Upon taking instructions from him, Mr. Patil seeks permission to withdraw this

Petition with liberty to adopt appropriate proceedings. Ms Irani submits that in case the liberty is granted, all contentions, including maintainability of such proceedings, may be kept open.

4. In view thereof, on the motion made by Mr. Patil, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All contentions of the parties, including maintainability of such proceedings, are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

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