

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1842 OF 2019

Ramal Advani	]	Petitioner
Vs.		
Vashulal M. Talreja (since deceased)	]	
through Legal Heirs and Representatives	]	Respondents

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Mr. Aloukik Pai a/w Neuty N. Thakkar, learned Counsel for the petitioner.
Mr. Amar Talreja, learned Counsel for Respondents No.1(A) to 1(C).

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CORAM : R.G. KETKAR, J.

DATE : 13TH FEBRUARY, 2019.

P.C.

Not on board. At the request of Mr. Pai, taken up in the production board.

2. Heard Mr. Pai, learned Counsel for the petitioner and Mr. Talreja, learned Counsel for Respondents No.1(A) to 1(C) at length.

3. As per the administrative order of the Hon'ble the Chief Justice, the petitioner has moved this Court as regular Court presided over by Hon'ble Mr. Justice K.K. Tated is not available today for judicial work.

4. This Petition takes exception to the order dated 10th January, 2019 passed by the learned trial Judge in Chamber Summons No.5 of 2019. By that order, the learned trial Judge dismissed the Chamber Summons. The Chamber Summons was taken out for the following reliefs;

- (a) proclamation or issue of warrant of arrest against witness Mr. Narendra Nair;
- (b) to give the direction to Senior Inspector, Colaba Police Station to investigate and ascertain the correct residential address of the said witness.

5. After arguing the Petition for quite some time, Mr. Pai, on instructions seeks permission to withdraw this Petition unconditionally. He further states that the petitioner also withdraws the Chamber Summons No.5 of 2019 and that hereafter, the petitioner will not take out Chamber Summons seeking reliefs claimed in Chamber Summons No.5 of 2019. Statements made on instructions by Mr. Pai are recorded.

6. In view thereof, on the motion made by Mr. Pai, the Petition is allowed to be withdrawn and is dismissed as withdrawn.

7. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in memorandum of Appeal as contemplated by Section 105(1) of C.P.C.

[R.G. KETKAR, J.]