

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13284 OF 2017**

1] Dastgir Usman Tahasildar
Through his power of attorney
Holder Hajarabi Dastagir Tahasildar .. Petitioner
Vs.
1. Iqbal Usman Tahasildar & Ors. .. Respondents

Mr. Anand Vadgaonkar for petitioner.

Mr. M.S. Peerzade for respondent No.4.

CORAM : N.J. JAMADAR, J.

DATE : 17TH SEPTEMBER 2019

P.C.

1 Heard the learned counsel for the petitioner.

2 The learned counsel for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to file an application under Order XXXIX, Rule 7 of the Code of Civil Procedure, 1908 (CPC) before the Trial Court.

3 In view of above, the petition stands dismissed as withdrawn with liberty to file an application under Order XXXIX, Rule 7 of CPC before the Civil Court.

4 In the event such an application is preferred, the learned Civil Judge shall decide the same on its own merits and in accordance with law.

[N.J. JAMADAR, J.]