

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

**WRIT PETITION (ST.) NO.16421 OF 2019
WITH
CIVIL APPLICATION (ST.) NO.16509 OF 2019**

Pushpa Vadhyamal Lulla & Anr. ... Petitioners
Vs.
Anilkumar Velaji Nathani ... Respondent

**ALONG WITH
WRIT PETITION (ST.) NO.23578 OF 2019**

Pushpa Vadhyamal Lulla & Anr. ... Petitioners
Vs.
Kirit Shah ... Respondent

**ALONG WITH
WRIT PETITION (ST.) NO.23579 OF 2019**

Pushpa Vadhyamal Lulla & Anr. ... Petitioners
Vs.
Jayantilal Balkrishna Pandya ... Respondent

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Mr. Samir Sarambalkar a/w Ms. Manasi Bandiwadekar for the
Petitioners in all matters.
Mr. Drupad S. Patil for the Respondent in WPST/16421/19.

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CORAM : M. S. KARNIK, J.

DATE : 27th AUGUST, 2019.

P. C.:

1. Heard learned counsel for the petitioners.
2. By this petition the petitioners are challenging the
judgment and decree dated 22.8.2011 passed by the First

Appellate Court and also the judgment and decree dated 16.2.2007 passed by the Trial Court.

3. Learned counsel for the respondent raised preliminary objection regarding maintainability of the Petition. According to him the remedy of the petitioners is to file Second Appeal challenging the judgment and decree of the First Appellate Court.

4. Learned counsel for the petitioners seeks leave to withdraw this Writ Petition with a liberty to file Second Appeal or pursue any other remedy in law to challenge the judgment and decree of the Appellate Court. The Petition is allowed to be withdrawn with liberty to file appropriate proceedings challenging the impugned judgment and order.

5. All contentions are kept open.

6. In view of the order passed in this Petition, the Writ Petition (St.) No.23578 of 2019 and Writ Petition (St.) No.23579 of 2019 are also disposed of as withdrawn in the same terms. Office objections dispensed with.

7. In view of the withdrawal of the Writ Petition (St.) No.16421 of 2019, nothing survives for consideration in the Civil Application (St.) No.16509 of 2019. The Civil Application (St.) No.16509 of 2019 is disposed of accordingly.

(M. S. KARNIK, J.)