

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12585 OF 2017

Javed Zaki Iraqi ... Petitioner
Vs.
Nazir Hussain Shaikh ... Respondent

WITH
WRIT PETITION NO.12611 OF 2017

Noorjehan Javed Iraqi ... Petitioner
Vs.
Nazir Hussain Shaikh ... Respondent

Mr. Niyaz Ahmed for Petitioner in both the Petitions.

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

P.C. :

Heard Mr. Ahmed, learned Counsel for the petitioner in both the Petitions at length.

2. Writ Petition No.12585 of 2017 takes exception to the order dated 13.04.2017 passed by the learned trial Judge below exhibit-20 in R.A.E.& R. Suit No.487 of 2015. By that order, the learned trial Judge rejected the application made by the petitioner under Order VII, Rule 11(a) and (d) read with Order II, Rule 2 and Section 151 of the Code of Civil Procedure, 1908 (for short 'C.P.C.').

3. Writ Petition No.12611 of 2017 takes exception to the order dated 13.04.2017 passed by the learned trial Judge below exhibit-20 in R.A.E. & R. Suit No.486 of 2015. By that order, the learned trial Judge rejected the application made by the petitioner under Order VII, Rule 11(a) and (d) read with Order II, Rule 2 and Section 151 of the C.P.C.

4. After arguing the Petitions for quite some time, on instructions, Mr. Ahmed seeks permission to withdraw the Petitions.

5. In view thereof, on the motion made by Mr. Ahmed, Petitions are allowed to be withdrawn and are dismissed as withdrawn. It is, however, expressly made clear that where a decree is appealed from by the petitioners, 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 the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)

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