

BDP-SPS

Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13020 OF 2018
ALONGWITH
WRIT PETITION NO.306 OF 2019**

M/s. Skyline Construction
a Partnership Firm through its
partners
1) Shri Sukhdev Bhimrao Shinde
and Others

..... Petitioners.

V/s

Mr. Joma Chaahu Mhatre
(since deceased through his legal heirs)
1) Shri Pandurang Joma Mhatre
and Others

..... Respondents.

Mr. S.M. Oak, Senior Advocate i/b Mr. Sagar Joshi for the Petitioners
in Writ Petition No.13020 of 2018 and in Writ Petition No.306 of
2019.

Mr. P.S. Dani, Senior Advocate i/b Mr. Prashant Patil for Respondent
No.2 in Writ Petition No.13020 of 2018.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 14, 2019

P.C.:-

1] The learned Senior Counsel appearing on behalf of Respondent-
Defendant raised an objection about maintainability of the Petition as

the order impugned is passed under Order-VII Rule 11 of the Civil Procedure Code.

2] In view of aforesaid objection, motion is made for withdrawal of the Petition with liberty to initiate appeal before the competent appeal court.

3] Petition stands disposed of as withdrawn with liberty as prayed. Needless to clarify that time spent in this Court for pursuing the Petition be considered in case of objection as to limitation.

4] Learned Counsel for the Respondent No.2 submits that for a period of two weeks from today, third party interest will not be created.

(NITIN W. SAMBRE, J.)