

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

WRIT PETITION (ST) NO. 28939 OF 2018

Badsha Maqbool Mulani & Anr. ... Applicants
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Rushikesh Borde, for the Applicant.

Mr. P. V. Nelson Rajan, AGP, for the Respondents - State.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2019.

P.C.:-

1] The learned counsel for the petitioner submitted that, on 5th September 2018 when the present petition was filed, the petitioner No.1 Shri. Badsha Maqbool Mulani had already passed away. That the said fact was not within the knowledge of his Constituted Attorney who has affirmed the present petition. He submitted that, the legal heirs of Shri. Badsha Maqbool Mulani are interested in pursuing the cause of action in filing the present petition and they have given Power of Attorney to Shri. Abdus Samad Lokdawala in that behalf. He therefore seeks leave to withdraw the present petition with liberty to file a fresh petition by impleading the legal heirs of petitioner No.1.

Leave and liberty granted.

2] Disposed off as withdrawn with aforesaid liberty.

(A.S. GADKARI, J.)