

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14082 OF 2018**

Smt. Vanita A. Karandikar .. Petitioner
Versus
Dombivali Nagri Sahakari Bank Ltd. & Anr. .. Respondents

Mr. Bhupesh V. Samant for petitioner.

Mr. A.R. Gole for respondent Nos. 1 and 2.

CORAM : K.K. TATED, J.

DATE : 04 FEBRUARY 2019.

P.C:-

. Heard learned Counsel for parties.

2. By this writ petition under Article 227 of the Constitution of India, petitioner/original plaintiff is challenging the order dated 24.09.2018 passed by Civil Judge, Junior Division, Kalyan in Regular Civil Suit No. 1091 of 2012 directing petitioner to correct the valuation of the suit and pay the Court fees. The learned Counsel for petitioner submits that because of prayer clause (a) of the plaint, they have to pay the Court fees. He submits that he received instructions from his client that petitioner may be permitted to withdraw the Regular Civil Suit No. 1091 of 2012 with liberty to file fresh suit for same cause of action.

To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted. Hence, following order :

- a) Petitioner is permitted to withdraw Regular Civil Suit No. 1091 of 2012 with liberty to file the fresh suit for same cause of action.
- b) All contentions for both the parties are kept open.
- c) Writ petition stands disposed of as withdrawn with liberty as prayed.
- d) No order as to costs.

(K.K.TATED, J.)