

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2036 OF 2018

Mr. Ganesh S. Shetty and anr. .. Petitioners
vs.
Smt. Vijaya S. Vichare and anr. .. Respondents

Mr. M. Shamim i/b Shamim and Co. for the Petitioners.
Mr. S.P. Srivastava for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 11 MARCH 2019.

P.C. :-

1] Learned counsel for the petitioners, based upon instructions from the petitioners, seeks leave to withdraw the petition with liberty to challenge the impugned order, in case the suit is finally decided against the petitioner or even otherwise by instituting cross-objections.

2] Leave is granted with liberty as prayed for. Therefore, it is made expressly clear that if the decree in the suit is ultimately appealed from, then the petitioners will have the liberty to challenge the impugned order on all grounds, including the grounds raised in the present petition. Further, it is made clear that withdrawal of amount of costs by the petitioners in pursuance of the impugned order shall be without prejudice to the rights and contentions of the petitioners.

3] With aforesaid liberty, this petition is disposed of.

(M. S. SONAK, J.)