

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1944 OF 2019

MR.KHALID S/O.ABDUL RAHIM SIDDIQUI)...PETITIONER

V/s.

DOMBIVALI NAGARI SAHAKARI BANK LTD.)

AND OTHERS)...RESPONDENTS

Mr. Deepak Natu i/b. Deepak & Co., Advocate for the Petitioner.

Mr. Ashutosh Gole, Advocate for Respondent No.1.

Mr. A.P. Vanarse, AGP for Respondent No.4.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 26th MARCH 2019

P.C. :

1. Heard the learned counsel for the respective parties.
2. After advancing argument for sometime, the learned counsel appearing for the petitioner sought permission to withdraw this writ petition. We allow such prayer, but we are constrained to note herein that the petitioner has made blatant false allegations in the writ petition and in the additional affidavit

filed by the petitioner itself, the falsity of the averments made in the writ petition in the face of the document appended in the additional affidavit. Whereas in the writ petition, an averment has been made that he had never been handed over physical possession of the property after purchasing the shop from the Respondent Bank, it appears from the additional affidavit that, not only that he had taken possession and had also obtained a license under the Shops and Establishment Act.

3. Prima facie we are of the considered view that such a case ought not to have been entertained and/or appropriate proceeding of contempt ought to have been initiated for such blatant falsity. However, since the learned counsel for the petitioner made a prayer for withdrawal of the writ petition, we hope that such type of cause on the part of the petitioner will not be repeated. We allow the prayer and dismiss the writ petition as withdrawn.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)