

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9624 OF 2016

Ashok Eknath Shinde & Anr. ... Petitioners
Vs.
Shardul Co-Op. Housing Society Ltd. & Ors.... Respondents

Mr. Ketan Chothani i/b Jagdish Chodankar, for the Petitioner.
Mr. Vineet Naik, Sr. Counsel a/w Piyush Shah & Jay Vora, for
Respondent No. 1.
Mrs. M. S. Bane, AGP for the Respondent State.

CORAM : C. V. BHADANG, J.

DATE : MARCH 5, 2020

PC :

1. The learned counsel for the Petitioners, on instructions, seeks leave to withdraw the petition, as the Petitioners intend to take recourse to the remedy of filing civil suit, challenging the impugned order, in view of the law laid down by this Court in a series of decisions, viz. (i) *Mazda Construction Company Vs. Sultanbad Darshan CHS Ltd.*¹; (ii) *M/s. Angelina Randolph Pareria Vs. Suyog Estate Premises Co-operative Society Ltd.*²; and (iii) *M/s. Shree Chintamani Builders Vs. State of Maharashtra & Ors.*³.

Vinayak
P.
Halemath

Digitally signed
by Vinayak P.
Halemath
Date:
2020.03.06
16:45:36 +0530

- 1 Writ Petition No. 3912/2012, dated 31.8.2012
- 2 Writ Petition No. 4373/2017, dated 11.4.2018
- 3 2016 SCC Online Bom 9343

2. In that view of the matter, the petition is disposed of as withdrawn, with liberty as prayed. All rival contentions of parties, on merits, are left open. No order as to costs.

Sd/-
C. V. BHADANG, J.