

Anand

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

WRIT PETITION NO. 512 OF 2020

M/s. Vas Infrastructure Ltd.

.Petitioner

Vs.

Arvind Vallabhdas Shah & anr.

.Respondents

Mr. Nikhil Karnavat a/w Ms Sneha Patil i/b. Maniar Srivastava Associates, Advocate, for the Petitioner

Mr. Himanshu Kode a/w Mr. Abhishek Matkar, Advocate, for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

DATE : 21.01.2020

P. C.

. Heard learned counsel for the Petitioner.

2. By this Petition, the Petitioner has impugned the order dated 01.10.2019 passed by the learned Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai below Exh. 28 in S. C. Suit No. 1295 of 2015, by which the Petitioner's Application for re-calling PW-1 for further cross examination came to be rejected.

3. Learned counsel for the Petitioner submits that the only intention of further cross examining the PW-1 is to bring on record W. P. No. 1484 of 2018.

4. Learned counsel for the Respondent No. 2 opposes the Petition. He submits that filing of W. P. No. 1484 of 2018 by the PW-1 is not in dispute. He submits that at this belated stage, re-calling of the PW-1 for further cross examination is not warranted, as there is no dispute about filing of the aforesaid Writ Petition by the PW-1.

5. In view of the statement made by the learned counsel for the Respondent No. 2, learned counsel for the Petitioner does not press this Petition and seeks leave to withdraw the same. Accordingly, the Petition is disposed of as withdrawn.

6. Learned counsel states that he will produce a certified copy of the said Writ Petition of the trial Court. It is always open for the Petitioner to file a certified copy of the aforesaid Writ Petition in accordance with law before the trial Court, if so permissible.

(REVATI MOHITE DERE, J.)