

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

WRIT PETITION NO. 2386 OF 2021

Sunil Hardas Tharwani

....Petitioner

v/s.

M/s. Arha Infraspac LLP and ors.

.... Respondents

Mr. Girish Godbole a/w. Mr. Drupad Patil i/b. Mr. Prasad Keluskar
for the Petitioner.

Mr. Yatin R. Shah a/w. Mr. Shivam Bhagwati for
Respondent No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd JULY, 2021.

P. C. :-

. At the outset, Mr. Girish Godbole, learned counsel for the Petitioner seeks leave to amend as to place on record correct copy of the order. Leave is granted. Amendment to be carried out forthwith.

2. The Petitioner herein has challenged the order dated 06/03/2021 at Exhibit – 16 in Special Civil Suit No.297/2019. By the impugned order, the trial Court has rejected the Application under Order 1 Rule 10 of the Civil Procedure Code, 1908 filed by the Petitioner who claims to be the assignee of the original vendor.

3. In the course of hearing, learned counsel for the Respondent has pointed out that the alleged Deed of Assignment is executed in favour of Tharwani Constructions Private Limited of which the Petitioner – Sunil Hardas Tharwani is only a Director. It is seen that the Application under Order 1 Rule 10 of the CPC has been filed by the Petitioner – Sunil Tharwani in his individual capacity. Faced with this difficulty, Mr. Girish Godbole, learned counsel for the Petitioner seeks leave to withdraw the Application at Exhibit – 16 filed in Special Civil Suit No.297/2019 with liberty to file fresh application on behalf of the Assignee. Leave with liberty is granted. Trial Court to decide the said Application on its own merits.

4. Writ Petition stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)