

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4165 OF 2021**

**Mr.Akeel Ahmed Sayyed Ahmed Kazi & Ors. ...Petitioners**

**V/s.**

**State of Maharashtra & Ors. ... Respondents**

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Mr.Atul Damle with Prakash Nichani, Rohit Nichani, Vikas Kumbhar, Shruti Kumbhar i/b. M/s.P.V.Nichani & Co., for the Petitioners.

Mr.A.P. Vanarse, AGP for the State.

Mr.Mahadeo A.Choudhari, for Respondent No.11.

Ms.Bhagyashri Ranade i/b. Mr.Amarnath Bodul, for Respondent no.18.

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**CORAM : G.S.KULKARNI, J.**

**DATE : 14<sup>th</sup> September, 2021.**

**PC.:**

1. After hearing of this petition progressed for some time, Mr.Damle, learned Senior Advocate appearing for the petitioners, on instructions, seeks leave to withdraw this petition with liberty to urge all contentions in a substantive suit. His only contention, however, is that if such suit is filed, the same be decided by the appropriate Civil Court on its own merit without being influenced by the orders impugned in the present petition.
2. Mr.Choudhari, learned Counsel appears for Respondent no.11 and Mr.Vanarse, learned AGP appears for the State. Although the other respondents are not served, in my opinion, the suggestion made by Mr.Damle need not detain the Court to permit Mr.Damle to withdraw this petition as suggested.
3. The petitioners are accordingly permitted to withdraw this petition with liberty to agitate their contentions before the appropriate Civil Court. Needless to observe that if such a title suit is filed, the same be decided on its own merits and

without being influenced by the orders which are passed in the present proceedings.  
All contentions of the parties are expressly kept open.

4. Disposed of . No costs.

**(G.S.KULKARNI, J.)**