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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 862 OF 2022**

Helen Xavier D'Costa and Ors. Petitioners.

V/s

Evergreen Co-operative Housing
Society and Ors. Respondents.

Mr. Akash Warang a/w Siddesh Shetye for the Petitioners.
Mr. Sanjay Shinde i/b Ergo Juris for Respondent Nos. 1, 18 and 19.
Mr. A.P. Vanarase, AGP for Respondent No.27.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 20, 2022

P.C.:-

1] Since Court is not inclined to grant relief, on instructions from Petitioner No.1 who is present in Court, prayer is made for withdrawal of the Petition.

2] Petition stands disposed of as withdrawn.

3] However, this will not preclude the Petitioners from taking out civil proceedings before the competent Civil Court in view of law laid down in *Mazda Construction vs. Sultanabad Darshan CHS Ltd.* Reported in 2013 (2) ALL MR 278, which claim be decided on its own merits

(NITIN W. SAMBRE, J.)