

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5042 OF 2025

Hitesh Jadavji Gala and anr.

...Petitioners

Versus

Banganga Apartment Co-operative Housing
Society Ltd. and ors.

...Respondents

Mr. Dushyant Krishnan, a/w Snehil Rai, for the Petitioners.
Mr. Piyush Raheja, a/w Akash Loya, Jyoti Ghag, Riti Gada,
i/b Dua Associates, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATED : 29th APRIL, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. The learned Counsel for the petitioners, on instructions, seeks leave to withdraw the petition with liberty to raise all contentions including the issue of maintainability of the suit in the Chamber Summons taken out by the plaintiff to implead the petitioners as party defendants to the said suit in the capacity of the legal representatives of the deceased – Chief Promoter of the defendant Society (proposed).

Leave granted with liberty as prayed for.

3. All contentions, including the maintainability of the suit, are kept open for consideration by the trial court.

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4. Petition stands dismissed as withdrawn.

[N. J. JAMADAR, J.]