IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5122 OF 2025

Nadeem Majid Oomerbhoy …Petitioner

Versus

Christy Mistry & Ors. …Respondents

Mr. Mandar Soman a/w Mr. Ganesh Ambekar i/b Jariwala Associates, for the Petitioner.

Mr. P. K. Dhakephalkar, Senior Advocate i/b Mr. Jaydeep Deo, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED: 6th MAY 2025

P.C.:

1. By the present Writ Petition filed under Article 227 of the Constitution of India challenge is to the order dated 21st March 2025 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-114 in RAE Suit No.8/10 of 2012.

2. Mr. Soman, learned Counsel appearing for the Petitioner, at the outset on the instructions of the Petitioner, states that the Petitioner is withdrawing the Application bearing Exhibit-114 filed in RAE Suit No.8/10 of 2012 with liberty to file a fresh Application.

3. As the said Application bearing Exhibit-114 is withdrawn consequently order dated 21st March 2025 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-114 in RAE Suit No.8/10 of 2012 is quashed and set aside with liberty to the Petitioner as prayed.

4. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]