

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3039 OF 2015
IN
WRIT PETITION NO. 4670 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.S.A.Rajeshirke, Advocate for Applicants.

Mr. Ranjeet Patil, Advocate for Respondents.

CORAM: R.G.KETKAR, J.

DATE : 20/11/2015

PC:

1. Not on Board. Mentioned due to urgency. At the request of Mr. Rajeshirke, taken up in production board.

2. Heard Mr Satyajeeet Rajeshirke, learned counsel for the applicants and Mr Ranjeet Patil, learned counsel for the respondents. Mr. Rajeshirke states that respondent no.1 is the only contesting respondent to whom Mr. Patil represents.

3. By this application, the applicants have challenged the order dated 29.9.2015 passed by the learned trial Judge. By that

order, the learned trial Judge rejected the application made by the applicants on the ground that as per the order dated 31.8.2015 passed by this Court in Writ Petition No.4670 of 2015 since the applicants did not file application within four weeks, right to file the same stood forfeited.

4. Mr. Patil submitted that the civil application challenging the impugned order is not maintainable and the applicants have to file a substantive petition. He assures that in the event the applicants file substantive petition, he will accept and waive service on behalf of the respondents.

5. In view thereof, Mr Rajeshirke seeks leave to withdraw the application. Civil Application is allowed to be withdrawn with liberty to the applicants to file substantive petition to challenge the said order.

(R.G.KETKAR, J.)