

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 8938 OF 2014**

Chandrakant Dattatray Thankar

..Petitioner

Vs

Shri Balasaheb Tatya More,  
since deceased, through legal  
heirs and Ors.

.. Respondents

Mr. Amol P. Mhatre, Advocate for Petitioner.

CORAM : R.G.KETKAR,J.  
DATE : 25/06/2015

PC:

1. Heard Mr. Amol Mhatre, learned counsel for the petitioner.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 13.2.2014 passed by the learned District Judge-5, Thane in Misc. Application No.202 of 2010. By that order, the learned District Judge dismissed the application filed by the petitioner for condonation of delay of 113 days caused in filing Appeal. The petitioner filed Appeal challenging the Judgment and order dated 24.2.2010 passed by Asstt. Charity Commissioner in Application No. 108/2005.
3. Mr. Mhatre, on instructions, seeks permission to withdraw this Petition with liberty to file First Appeal in view of decision of the Apex Court in the case of Sheodan Singh Vs. Daryao Kunwar,

AIR 1966 SC 1332 and decision of this Court in Smt. Taibai Motiram Bhagat Vs. Gopinath Babu Patil in Writ Petition No.7869 of 2012 decided on 1.12.2014.

4. In view thereof, on the motion made by Mr. Mhatre, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. All contentions in the proposed proceedings are kept open.

(R.G.KETKAR, J.)