

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

WRIT PETITION NO. 4617 OF 2015

Deepak Rajan Saheta & ors.

... Petitioners

vs.

Mrs. Poonam Hari Motwani

... Respondent

Mr. Karan S. Thorat, Advocate for the petitioners.
Mr. Ajeet Manwani a/w Mr. Fassal Yara, Advocate for the
respondent.

Coram : Smt. R. P. SondurBaldota, J.

Date : 29th September, 2015.

P.C. :

1. Mr. Thorat, the learned advocate appearing for the petitioners concedes that the contention that decision of Apex Court in ***N. Radhakrishnan vs. Maestro Engineers and ors.p reported in 2010 (2) Mh.L.J. page 503*** is no longer a good law it being overruled by the subsequent decision of the Apex Court in ***Swiss Timing Ltd. vs. Commonwealth Games 2010 Organizing Committee (2014) 6 Supreme Court Cases page 677***, was not argued before the trial Court. The trial Court has dismissed the application of the petitioner solely based on the Statement of Law in the case of ***N. Radhakrishnan (supra)***. In the circumstances, Mr. Thorat seeks to withdraw the petition stating that he will file

an application for review of the order before the trial Court. The petition is allowed to be withdrawn. The petitioner is at liberty to apply to the trial Court for review of the impugned order. All contentions of both the sides as regards the two decisions are kept open.

[Smt. R. P. SondurBaldota, J.]

CERTIFICATE

Certified to be true and correct copy of the original
signed Judgment / order.