IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.390 OF 2015

Nalini Dattatraya Khirid and another … Applicants
Vs.
Narendra Martand Khirid and others … Respondents

Mr. Nitin P. Deshpande for Applicants.

CORAM : R. G. KETKAR, J.
DATE : AUGUST 05, 2015

P.C. :

Heard Mr. Deshpande, learned Counsel for applicants.

2. Mr. Deshpande seeks permission to withdraw application dated 19.09.2014 filed by the defendants under Section 9-A of the Code of Civil Procedure, 1908 with liberty to file fresh application giving all the particulars. He submitted that in the application dated 19.09.2014, in paragraph 2, defendants contended that as the Suit is not instituted within the prescribed period of limitation, it is liable to be dismissed. He submitted that no particulars were given in that application. He, therefore, seeks permission to withdraw this Civil Revision Application with liberty to file appropriate application giving all the particulars.

3. In view thereof, on the motion made by Mr. Deshpande, application dated 19.09.2014 is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All the contentions of the respondents including objection as regards the maintainability of such application are expressly kept open. Hence, Civil Revision Application is allowed to be withdrawn with liberty as prayed for. Order accordingly.

(R. G. KETKAR, J.)