

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4193 OF 2015

Mrs. Indumati @ Indubai M. Garad	..	Petitioner
VS.		
Krishnat M. Garad & Ors.	..	Respondents

Ms M. Patil h/f. Mr. A. B. Tajane for Petitioner.
Mrs. Indumati @ Indubai M. Garad - Petitioner present in person.

CORAM : M. S. SONAK, J.
DATE: 22 APRIL 2015

P.C. :-

1] This petition challenges the order dated 28 February 2014 made by the District Judge -1, Solapur, refusing to condone the delay in filing appeal against the decree.

2] The Hon'ble Apex Court in the case of *Shyam Sundar Sarma vs. Pannalal Jaiswal & Ors.*¹ has held that an order made declining to condone the delay in filing an appeal is also an order made in the appeal itself.

3] In view of the aforesaid, the learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file second appeal, based upon the instructions of the petitioner, who is present

¹ (2005) 1 SCC 436

in person, before this Court today. Accordingly, leave is granted with liberty as prayed for.

4] In case the second appeal is filed within a period of four weeks from today, then the petitioner is entitled to contend that the period spent in this Court was spent bonafide for seeking recourse against the impugned order.

5] With the aforesaid observations, present petition is disposed of.

(M. S. SONAK, J.)

Chandka