

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.600 OF 2015
WITH
CIVIL APPLICATION NO.506 OF 2015

Smt. Ashalata, Wd/o. Late Dr. Anant]
Kumar Karmakar and Ors.] ... Applicants

Versus

Smt. Hansadevi, Wd/o. Ghanshyamdas]
Khanna and Ors.] ... Respondents

Mr. Kishor N. Shriyan for Applicants.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 09, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**

2. The learned Counsel for applicants, upon obtaining instructions from the applicant no.3 who is present in Court, seeks leave to withdraw this Civil Revision Application with liberty to file an application under Order 41 Rule 27 of the CPC.

3. The Civil Revision Application is dismissed as withdrawn with liberty to file application under Order 41 Rule 27 of the CPC.

4. The learned Counsel for applicants states that such application will be filed within a period of two weeks from today. If such application is filed within a period of two weeks from today, the Appeal Court to consider the same in accordance with law and on its own merits at the stage of final hearing of the appeal in view of the law laid down by the Hon'ble Apex Court in the case of *Union of India Versus Ibrahim Uddin and Another*¹.

5. It is made clear that this Court has not expressed any opinion on the merits of the matter and therefore, the application under Order 41 Rule 27 of the CPC, if made by the applicants within a period of two weeks from today, shall be considered on its own merits and in accordance with law.

6. With the aforesaid observation and liberty, this Civil Revision Application is dismissed as withdrawn. Civil Application does not survive. The same also stands disposed of.

7. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

¹ (2012) 8 Supreme Court Cases 148