

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.113 OF 2016

Mr Gregory Fernandez and another	... Petitioners
v/s	
State of Maharashtra and another	... Respondents

Mr Mahesh V. i/b M/s Vishwakarma and Associates for Petitioners.
Ms S.V. Bharucha for Respondent No.2.

CORAM : B.P. COLABAWALLA J.

DATED : 23RD MARCH, 2016.

P.C. :-

1. The learned counsel appearing on behalf of the Petitioners has moved this Writ Petition for urgent circulation as the regular bench taking up these matters is unavailable today. He states that he has already filed an Appeal under section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and therefore seeks leave to withdraw this Petition.

2. Accordingly, leave is granted and the Writ Petition is dismissed as withdrawn with liberty to the Petitioners to prosecute the Appeal filed under the provisions of the aforesaid Act of 1952. It

has been informed to this Court that an Application for condonation of delay has already been filed in the said Appeal. Whilst considering the said Application for condonation of delay, if the Tribunal is of the opinion that the provisions of sections 5 to 24 of the Limitation Act, 1963 are not excluded, then for the purpose of section 14 of the Limitation Act 1963, the Tribunal may consider excluding the period taken to prosecute this Writ Petition. With this clarification, the Writ Petition stands dismissed as withdrawn.

(B.P. COLABAWALLA J.)