

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

**WRIT PETITION NO. 10344 OF 2015**

M/S. Neel Properties through its Partners .... Petitioner

Versus

Shri Hiralal Nandlal Goyal & Ors. .... Respondents

Sunil Jayakar a/w Ms. Gunjan Jayakar and Miheer Jayakar I/b.  
Sunil Jayakar & Associates for petitioner.  
S.M.Sabrad for Respondent No.1.

***CORAM : N. M. Jamdar J.  
Monday 24 October 2016***

**P.C.**

. The sole ground on which the delay condonation application in filing the Review Application has been rejected by the learned Civil Judge Senior Division, is that no sufficient reason has been given in the application and the delay is more than 11 days. The learned Counsel for petitioner contends that the sufficient reason was given in the application. *Prima facie*, something more other than the mere statement of the fact that there was a delay, needs to be given in the application.

2. In the circumstances, the learned Counsel for petitioner seeks leave to withdraw the Writ Petition with a liberty to file an application providing reason why delay needs to be condoned and how the delay is of 11 days. If such application is filed, the learned Civil Judge will consider the same on its own merits and for the purpose of decision, the impugned order will not come in the way of learned Civil Judge.

3. With this clarification, the writ petition is disposed of as withdrawn.

**(N. M. Jamdar, J.)**