

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 757 OF 2016

MRS. ANITA LISBOA (DEC) THR. HER
LRS. REP. BY THR. ATT. MR. TONITO
XAVIER FILOMENO DAS CHAGAS LISBOA ... Petitioner
Versus
MR. DILIP SHABI/SHANU CHODANKAR
AND 2 ORS. ... Respondents

Mr. Valmiki Menezes, Advocate for the petitioner.
Mr. Amay Arjun Phadte, Advocate for Respondents no.1,2 & 3.

Coram:- C. V. BHADANG, J.

Date:- 8th June, 2017

P.C.

The petitioner is challenging the Order dated 26.03.2015 whereby the learned Trial Court had refused to grant time to file a reply to the application at Exhibit D-19 and directed that the suit stands abated.

2. Admittedly, the petitioner has filed an application for recall of the said Order under Order XXII Rule 9 of CPC. As there is a delay in filing the said application, the application for condonation of delay is registered as CMA/15/2015. The said application was dismissed in default, and there is yet another application for restoration filed, which is registered as CMA/7/2017 which is pending before the Trial Court.

3. In view of the pendency of the same, learned Counsel for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to challenge the Order, if any, which may be adverse to the petitioner.

4. In such circumstances, the petition is disposed of as withdrawn with liberty as prayed.

C. V. BHADANG, J.

msr