

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4111 OF 2017

Smt. Gouri Shivprasad Bharati @
Arati B. Buva & Anr.] Petitioners

Vs.

Shivprasad Anant Bharti] Respondent

.....
Mr. Aatharv Dandekar i/b Mr. Aditya S. Desai, for the petitioners.
Mr. Balwant Salunke, for the respondent.

.....
CORAM : R.G. KETKAR, J.

DATE : 4TH MAY, 2017.

P.C.

Heard Mr. Dandekar, learned Counsel for the petitioners and
Mr. Salunke, learned Counsel for the respondent.

2. By this petition under Article 227 of the Constitution of India, the petitioners have challenged the order dated 19th November, 2016 passed by the learned District Judge-I, Islampur in Misc. Civil Application No. 52 of 2013 filed under section 7 & 25 of Wards and Guardian Act, 1890 [for short 'Act'].

2. Mr. Salunke raised preliminary objection about maintainability of the Writ Petition on the ground that under Section-47(a) and(c) of the Act, the petitioner has equally efficacious alternate statutory remedy of filing an appeal in this Court.

3. In view thereof, Mr. Dandekar seeks permission to withdraw this petition with a liberty to file appeal in this Court. He submits that the time spent by the petitioners in prosecuting petition from 3rd March, 2017 till date may be excluded while considering the question of limitation.

4. On the motion made by Mr. Dandekar, petition is allowed to be withdrawn with liberty as prayed for. Time spent by the petitioner in prosecuting this petition from 3rd March, 2017 till this date shall be excluded while considering the question of limitation. It is made clear that I have not examined merits of the case. All the contentions of the parties on merits are kept open. Order accordingly.

[R.G. KETKAR, J.]