

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6218 OF 2014

Shivkumar Sadashiv Sonawane ... Petitioner
Vs.
Subhash Vasantrao Kawle and others ... Respondents

Mr. Sachin Gite for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 20, 2017

P.C. :

Heard Mr. Gite, learned Counsel for petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 02.04.2013 passed by the learned Joint Civil Judge, Junior Division, Pimpalgaon (B) below exhibit-31 in Regular Civil Suit No.262 of 2012. By that order, the learned trial Judge allowed the application exhibit-31 filed by the plaintiffs seeking review of the order dated 07.02.2013 passed below exhibit-28. Order 43, Rule 1(w) of C.P.C. provides for an appeal against grant of review. Mr. Gite, therefore, seeks permission to withdraw this Petition with liberty to file Appeal from Order / Miscellaneous Civil Appeal.

3. In view thereof, Petition is disposed of as withdrawn with liberty as prayed for. The time spent by the petitioner in prosecuting this Petition from 09.05.2014 till date shall be excluded while considering application for condonation of delay. It is made clear that I have not examined merits of the case. All contentions of the parties on merits are expressly kept open. Office is directed to return the certified copies to the petitioner. Order accordingly.

(R. G. KETKAR, J.)