

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

WRIT PETITION NO. 14226 OF 2016

Smt. Colly Shoaib Latif

...Petitioner

Versus

Shri. Mithalal Bhikhamdas Oswal
(since Decd) Lrs. And Ors.

...Respondent(s)

Mr.Rajesh Shah a/w Mr.Chetan Yadav a/w Mr.Sahil Gandhi i/b
M/s. Markand Gandhi & Co. for Respondent No.1C in CAF No.2017
of 2014 and for Petitioner in WP No.14226 of 2016.

Mr.Aseem Naphade a/w Mr.A.P. Singh for Respondent Nos.1A to
1D, 3 to 5 and 8 in Writ Petition No.14226 of 2016.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. After this matter was heard for some time, the learned counsel for the petitioner, seeks leave to withdraw this petition with liberty to institute a Civil Revision Application under Section 115 of C.P.C. in order to challenge the order dated 20 December 2014 made by the learned Trial Judge.

2. Leave is granted to withdraw this petition with liberty to challenge the impugned order dated 20 December 2014 by instituting a Civil Revision Application under Section 115 of the C.P.C.

3. The learned counsel for the petitioner states that such

Civil Revision Application will be instituted within a period of 15 days from today, accompanied by an application seeking condonation of delay. In case this is done, then, it will be open to the petitioner to contend that the period between 14 July 2016 and 07 April 2017 was spent bonafide by the petitioner in pursuing the remedy against the order dated 20 December 2014.

4. However, the petitioner, will have to explain the delay in the institution of the Civil Revision Application, since, this petition, itself, was instituted almost after 571 days, from the date of the order i.e. 20 December 2014. The issue as to whether sufficient cause has been shown, will obviously, have to be decided in the Civil Revision Application and the application for condonation of delay accompanying the same.

5. It is however, clarified that this Court has not expressed any opinion on the merits of the matter. Writ Petition is disposed of as withdrawn with liberty as aforesaid.

(M. S. SONAK, J.)