

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13439 OF 2016**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr.Uday B. Nighot, Advocate for Petitioners.

CORAM : R. G. KETKAR, J.

DATE : 25/01/2017

P.C.:

1. Not on board. At the request of Mr. Nighot taken up for admission.
2. Heard Mr.Uday Nighot, learned Counsel for the petitioners at length.
3. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the judgment order dated.. passed by the learned District Judge below Exhibit-41 in ... By that order, the learned trial Judge rejected the application moved by respondents No.2 to 7 in the appeal seeking permission to file cross-objections to the appeal.
4. Mr. Nighot relied upon the decision of this Court in ***State of Maharashtra v. Kalu Ladku Mhatre, 2011 (4) Mh.L.J. 741*** to contend that a wide power has been conferred

on the appellate Court to extend time to file cross-objections. Though there is no requirement of establishing sufficient cause within the meaning of Section 5 of the Limitation Act, in the application for seeking extension of time to file cross-objection, brief reasons for delay will have to be set out and wider discretion has been conferred on the Appellate Court under sub-rule (1) of Rule 22 than what is conferred by Section 5 of the Limitation Act. He seeks permission to withdraw this Petition with liberty to file fresh application for extension of time in the light of the decision of this Court in **State of Maharashtra** (*supra*). In view thereof, on the motion made by Mr. Nighot the Petition is allowed to be withdrawn with liberty as prayed for. If the petitioners file application for extension for filing cross-objections, the learned District Judge will consider the matter in the light of decision of this Court in **State of Maharashtra** (*supra*). Order accordingly.

(R. G. KETKAR, J.)