

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3036 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.P. Kulkarni for the Petitioner.
Ms. Dipti Panda i/b Narayanan & Narayanan for the Respondent No.1.
Mr. Mukesh Agarwal, Partner of Petitioner No.3 and C.A. of Petitioner Nos. 1 & 2 present in person.

**CORAM : K. K. TATED, J.
DATED : 11/01/2017**

P.C.:

- . Heard learned Counsel for the parties.
- 2 By this petition under Articles 226 & 227 of the Constitution of India the Petitioner is challenging the Judgment dated 19.09.2016 passed by the Deputy Collector(Appeals), Mumbai Suburban District, allowing the Respondent's application for condonation of delay.
- 3 It is the contention of the Petitioner that at the time of hearing of application for condonation of delay, the Authority has decided the issue about *locus standi* of the Respondents to file the Appeal. He submits that the petitioner already preferred the application dated

01.08.2016 for preliminary issue and same is pending.

4 During the course of arguments, the learned counsel for the Respondent No.1 after taking instructions from her client made a statement that they have no objection if the Authority decides the petitioner's application dated 01.08.2016 for preliminary objection on its own merits without influencing the observations made in the impugned order dated 19.09.2016. To that effect, the learned counsel for the Respondent No.1 given in writing. Same is taken on record and marked "X" for its identification.

5 In view of the submissions made by the learned counsel for the Respondent No.1, the learned counsel for the petitioner submits that he received instructions from his client to withdraw the Writ Petition. To that effect, he has given in writing on Farad. Same is accepted. Same is taken on record and marked "X1" for its identification.

3 Writ Petition stands disposed of as withdrawn. No order as to costs.

4 All contentions of both the parties are kept open in the main matter as well as interim application.

(K.K.TATED, J.)