

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 95 OF 2016

Mrs.Colleen Bartels ...Applicant
Versus
Mr. Minoo Anklesaria & Ors. ...Respondents

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Mr.Bernando Reis i/b. Pavan Patil, Advocate for the Applicant.
Mr. Vijay Thorat, Senior Advocate a/w. Surel Shah, Ms. Khooshnum
Daviervalva, Ms. Ria Panchel i/b. Mulla & Mulla CB & C., for Respondents
No.1 to 4.

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CORAM : R. G. KETKAR, J.

DATE : 26th MARCH, 2018

P.C.

1. Heard Mr.Reis, learned counsel for the applicant and Mr.Vijay Thorat, learned Senior Counsel for the respondents, at length.
2. This matter was heard at length in the morning session and was kept back at the instance of Mr. Reis. He has tendered an email received by him from the applicant Colleen Bartels, which is taken on record and marked 'Y' for identification. Mr. Reis states that though the liberty is sought to file fresh C.R.A., the applicant is seeking liberty to file application under Order IX Rule 13 of Code of Civil Procedure, 1908 (for short, 'C.P.C.') in the trial Court.

3. In view thereof, on the motion made by Mr.Reis, C.R.A. is permitted to be withdrawn with liberty to file application under Order IX Rule 13 of C.P.C. for setting aside the exparte decree dated 22.6.2009 passed by the learned Judge, Court Room No.21 of the Small Causes Court at Mumbai in R.A.E. Suit No.1258/3708 of 1990, if permissible in law. The time spent prosecuting Civil Revision Application from 28.1.2016 till date shall be excluded while considering condonation of delay in filing application under Order IX Rule 13 of C.P.C. All contentions of the parties are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)