

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.10636 OF 2018

Rajat Suresh Agarwal	]	Petitioner
Vs.		
The State of Maharashtra & Anr.	]	Respondent
.....		
Mr. Santosh Musale, for Petitioner.		
.....		

CORAM : R.G. KETKAR, J.

DATE : 25TH OCTOBER, 2018.

P.C.

Heard Mr. Musale, learned Counsel for the petitioner at length.

2. This Petition takes exception to the order dated 6th November, 2017 passed by the learned Judge Family Court Thane. By that order, the learned trial Judge dismissed Petition No. A-371 of 2015 instituted by the petitioner under section 8 of the Hindu Marriage Act, 1955. Mr. Musale submitted that the petitioner was arrested and was in custody from 1st May, 2017 till 19th July, 2018. He submits that the petitioner is present in the Court. He has tendered photo copy of his PAN Card which is taken on record and marked 'A' for identification. Upon taking instructions from him, Mr. Musale seeks permission to withdraw the Petition with liberty to file application for restoration of the proceedings. He assures that within two weeks from today, he will file application for restoration.

3. In view thereof, the Petition is allowed to be withdrawn with liberty as prayed for and as such is disposed of. If the application for

restoration is filed within 2 weeks from today, while considering the issue of limitation, the learned trial Judge will exclude the period from 1st May, 2017 to 19th July, 2018 when the petitioner was in custody. Order accordingly.

4. All the parties including the trial Court to act upon an authenticated copy of this order.

[R.G. KETKAR, J.]