

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9627 OF 2019

YAMUNABAI BALAJI GAIKWAD SINCE DECEASED THROUGH HER L.RS.
NIVRUTTI BALAJI GAIKWAD
VERSUS
YAMUNABAI HONA MUSALE AND OTHER

...

Advocate for the Petitioner : Shri Shermale K. N.
Advocate for Respondents 2, 3A to 3E, 4 and 5 : Shri Nagargoje Ankush N.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 03rd September, 2019

Per Court:

1 This matter is heard for sometime. The learned advocate for the petitioner sought a passover.

2 After the matter was called out, the learned advocate for the petitioner submits that the petitioner desires to withdraw this petition with a request that the pending delay condonation Civil Miscellaneous Application No.27/2018, may be expedited and in the event, the delay is condoned, the petitioner would be praying for protection before the appellate court.

3 The learned advocate for the contesting respondents submits that all contentions of the parties be kept open as the respondents desire to oppose the delay condonation application as well as the application for

reliefs in the event the delay is condoned.

4 Considering the above, this Writ Petition is disposed off. Civil Miscellaneous Application No.27/2018 shall be heard expeditiously by the appellate court if the appellants do not desire to lead evidence and the same may be decided on or before 31.12.2019. In the event, the appellants desire to lead evidence on the condonation of delay application, the appellate court would then dispose of the proceedings by 29.02.2020.

5 In the event of the delay being condoned, the appellate court may consider the application for temporary relief filed by the appellants on its own merits.

6 The civil application, if pending, stands disposed off.