



Code of Civil Procedure, 1908 (for short 'C.P.C'). In view of the decision of this Court in **Colaba Central Co-operative Consumer Wholesale and Retail Stores Ltd. (Alias Sahakar Bhandar) v/s Kusumben Kantilal Shah, 2004 (1) Bom. C.R. 547**, order passed under Order-XV-A of the C.P.C affects substantive rights of the parties. In view of this decision, the petitioner has an equally efficacious, alternate statutory remedy of filing revision application before the Appellate Bench of the Court of Small Causes.

4. In view thereof, Mr. Shah seeks permission to withdraw this Petition with liberty to file revision application before the Appellate Bench of the Court of Small Causes at Mumbai. He submits that time spent by the petitioner in prosecuting this Petition bona fide in this Court from 29<sup>th</sup> January, 2019 till date may be excluded while considering issue of limitation.

5. In view thereof, on the motion made by Mr. Shah, Petition is allowed to be withdrawn and as such is disposed of with liberty as prayed for. As the petitioner was prosecuting this Petition bona fide in this Court, time spent by the petitioner from 29<sup>th</sup> January, 2019 till date shall be excluded while considering the issue of limitation. It is made clear that I have not examined merits of the case. All the contentions of the parties on merits are expressly kept open.

**[R.G. KETKAR, J.]**