

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.10094 OF 2017
WITH
CIVIL APPLICATION NO.1541 OF 2019
WITH
WRIT PETITION NO.10095 OF 2017
WITH
CIVIL APPLICATION NO.1540 OF 2019

Bharat Jethalal Maniar	]	Petitioner
Vs.		
Usha Balasaheb Khandagale & Ors.	]	Respondents

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Mr. Assem Naphade a/w Arun H. Mehta i/b Akshar Laws, Advocates for the Petitioner.

Ms. Vasudha C. Narvekar, Advocate for Respondent No.1.

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CORAM : R.G. KETKAR, J.

DATE : 9TH JULY, 2019.

P.C.

Heard Mr. Naphade, learned Counsel for the petitioner and Ms. Narvekar, learned Counsel for respondent No.1, at length.

2. The Petitions were heard on 21st June, 2019 and were kept today for passing orders. Mr. Naphade, on instructions, seeks permission to withdraw these Petitions and Civil Applications for amendment with liberty to file Petition seeking review of the impugned orders dated 6th December, 2016 passed by the Appellate Bench of the Court of Small Causes at Mumbai. He

assures that within two weeks from today, Petition seeking review of the impugned orders dated 6th December, 2016 passed by the Appellate Bench of the Court of Small Causes at Mumbai will be filed. He states that as the petitioner was prosecuting these Petitions in this Court bona fide, time spent by the petitioner in prosecuting these Petitions from 8th June, 2017 till date may be excluded while considering the issue of limitation.

3. Ms. Narvekar states that in case the Court is inclined to grant liberty, it may be made clear that grant of liberty shall not be construed as an expression of merit either way and that all contentions of the first respondent may be expressly kept open.

4. In view thereof, on the motion made by Mr. Naphade, Petitions and Civil Applications are allowed to be withdrawn with liberty as prayed for. It is made clear that grant of liberty shall not be construed as an expression of merit either way. All contentions of the first respondent including maintainability of the Review Petition are expressly kept open. It is further made clear that in case the petitioner files Petition seeking review of the impugned orders dated 6th December, 2016 passed by the Appellate Bench of the Court of Small Causes at Mumbai, within two weeks from today, the time spent by the petitioner in prosecuting these Petitions bona fide in this Court from 8th June, 2017 till date i.e till 9th July, 2019 shall be excluded while considering the issue of limitation.

5. The Petitions and Civil Applications are disposed of accordingly.

6. All the parties, including the Small Causes Court to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]