

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6589 OF 2006

Shri Antonio Barnardo D'Souza ... Petitioner.

(since deceased) through LRS :

- Olympia De Souza, Wife of Antonio B.D'Souza

(since deceased) through her heirs and LRS:

1. Maria Alzira Asha Lobo (Daughter)

2. Marie Elaine Suman ((Daughter)

3. Antonio Bernardo (Son)

4. Fermiano Luis (Son)

5. Alberto Fransisco Xavier (Son)

Through their POA – Mr.Vilas Keshav Joshi

Age 65 yrs. R/o. DH1, Second Floor,

Ramakeshav Aprt. Mahatma Phule Road,

Panvel -410 206.

... Petitioners.

V/s.

District Judge, Raigad and Others..

... Respondents.

Mr. R. S. Apte, Senior Counsel I/by Shri M.S. Lagu for the
Petitioners.

Mr. S. R. Nargolkar for Respondent Nos. 1 and 2.

Mrs. P. N. Diwan, AGP for the State.

Mr. S. M. Railkar, Advocate for Respondent Nos. 5(a) to 5 (c).

CORAM : R.M. BORDE & V.L. ACHLIYA, JJ.

DATE : FEBRUARY 04, 2019.

PC :

1 Learned senior counsel appearing for the
Petitioners, on instructions from his clients, seeks leave to

withdraw the petition with liberty to avail of the liberty available in the law.

2 Leave granted with liberty as prayed for.

3 It is clarified that this court has not considered the merits of the contentions of the parties and it would be open for the petitioners to raise appropriate contentions before the appropriate forum. It would also be open for the petitioners to urge before the alternate forum to consider the aspect of time spent in prosecuting the instant litigation, while considering the application, seeking extension of time or in answer to the issue of limitation that may arise in the proceedings before the alternate forum.

4 The writ petition is disposed of as withdrawn with liberty. Rule is discharged.

(V.L.ACHLIYA,J.)

(R.M. BORDE)

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