

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.11482 OF 2016

Fazalul Haque Shiraz Ahmed	]	Petitioner
Vs.		
Juzer Abbasbhai,	]	Respondent

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Mr. Bipin Joshi, learned Counsel for the Petitioner.
Mr. R.M. Nakhava, learned Counsel for the Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 8TH APRIL, 2019.

P.C.

Not on board. At the request of Mr. Joshi, taken up in the production board.

2. Heard Mr. Joshi, learned Counsel for the petitioner and Mr. Nakhava, learned Counsel for the respondent.

3. Petition was heard on 19th March, 2019. On that day, statement made by Mr. Joshi, on instructions that without prejudice to the rights and contentions of the petitioner in the pending proceedings, the petitioner will deposit balance amount in the Small Causes Court, Mumbai before the next date of hearing was recorded. Learned Counsel for the petitioner was also asked to examine whether the Petition is maintainable in view of decision in **The Colaba Central Co-operative Consumer Wholesale and Retail Stores Ltd Vs. Kusumben Kantilal Shah, 2003 (4) ALL MR 304.**

4. Mr. Joshi states that the petitioner has deposited amount in the Small Causes Court, Mumbai. He states that the petitioner will file Revision Application within two weeks from today. He further submits that time spent by the petitioner in prosecuting this Petition from 20th September, 2016 till date may be excluded while considering the issue of limitation. Mr. Joshi seeks permission to withdraw the Petition.

5. In view thereof, on the motion made by Mr. Joshi, Petition is allowed to be withdrawn and as such is disposed of with liberty as prayed for. If the petitioner institutes Revision Application within two weeks from today, time spent by the petitioner from 20th September, 2016 till today shall be excluded while considering issue of limitation. Order accordingly.

[R.G. KETKAR, J.]